

<b>REFERENCE NO - 19/500456/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing single storey extension and erection of a part two storey and part single storey rear extension, single storey side extension and wooden structure framework to the front as a feature. (Resubmission to 18/502887/FULL)		
<b>ADDRESS</b> Corylus Cottage 165 Heath Road Coxheath Maidstone Kent ME17 4PA		
<b>RECOMMENDATION</b> Application Permitted		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal has overcome the reasons for refusal of application 18/502887/FULL and, subject to the recommended conditions, complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and there are no overriding material considerations to indicate that the application should be refused.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Coxheath Parish Council has objected to the application and requested that it be referred to Planning Committee for decision if the Planning Officer recommendation is one of approval.		
<b>WARD</b> Coxheath And Hunton	<b>PARISH/TOWN COUNCIL</b> Coxheath	<b>APPLICANT</b> Claire Killick <b>AGENT</b> Whitewash Interiors
<b>TARGET DECISION DATE</b> 27/09/19		<b>PUBLICITY EXPIRY DATE</b> 11/03/19

### Relevant Planning History

18/502887/FULL

Demolition of existing single storey extension and erection of a two storey rear and single storey side extension, single storey side extension and wooden structure framework to the front as a feature.

Refused Decision Date: 05.10.2018

MA/95/0320

Demolition of existing conservatory/bathroom addition and replacement by larger single storey extension pitched roof over existing flat roof two storey extension and new window to front and a detached double garage.

Approved Decision Date: 29.03.1995

MA/90/0429

Single storey room and porch to existing dwelling.

Approved Decision Date: 19.04.1990

MA/85/0369

Single storey front extension

Approved Decision Date: 15.05.1985

MA/79/1609

Two storey extension for bedroom, lobby and dining room

Refused Decision Date: 12.03.1980

Application 18/502887/FULL was refused for the following two reasons:

1. The proposed two-storey extension, by reason of its scale, height, design, and degree of both rearward and sideward projection, would appear as an over-large,

bland and incongruous addition that would be poorly-related to the form of the existing house, and would result in a development that would appear excessive and sprawling in scale. As such, it would be detrimental to the visual appearance of the host building, the semi-detached pair of which it forms one-half and the street-scene, and so to permit the proposal would be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the guidance contained in the Council's adopted residential extensions SPD in particular paragraphs 4.38, 4.42, 4.43 and 4.50 and the Central Government planning policy contained in The National Planning Policy Framework (July 2018).

2. The proposed two-storey extension, by reason of its height, depth and proximity to the boundary with 163 Heath Road, would be unacceptably overbearing on the neighbouring bedroom window, resulting in a significant loss of outlook for users of that habitable room. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the guidance contained in the Council's adopted residential extensions SPD in particular paragraph 4.79 and the Central Government planning policy contained in The National Planning Policy Framework (July 2018).

The current application is a resubmission following receipt of pre-application advice (18/505432/PAMEET) which seeks to overcome these concerns.

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 This application relates to the right-hand one of a semi-detached pair of cottages located within the village settlement boundary of Coxheath, on land identified as having the potential for discovery of archaeological remains.
- 1.02 The application dwelling has a white, smooth-rendered ground floor, dark cladding to the first floor and an interlocking tiled, fully-hipped roof. Both this and the attached cottage each have an existing two-storey side extension, whilst at the rear there is a single-storey lean-to extension to the application building which continues into the attached property, the two sharing a party wall on the boundary.
- 1.03 Surrounding development is of a different character and scale – a number of new dwellings have been constructed on the land to the west and two more behind the attached cottage, a single detached dwelling of more traditional character is located to the east and beyond that a number of terraced properties, whilst to the south, on the opposite side of Heath Road, there is farmland designated on the Local Plan Policies Map as a Landscape of Local Value.

### **2. PROPOSAL**

- 2.01 Planning permission is sought for the erection of a part two-storey, part single-storey rear extension, and a single-storey side extension to form a porch, with a single-storey wooden framework structure to the front elevation.
- 2.02 The rear extension would involve the demolition of the existing single-storey extension, although at ground level it would reuse the existing party wall and extend that rearward by 1.28m. The first floor would be stepped in 1m from the common boundary with the attached house, 163 Heath Road, and would protrude 4m from the original rear building line of the cottage. The ground floor would protrude approximately 1.3m further so would feature a section of lean-to roof. The rear extension would also protrude approximately 1.6m beyond the side elevation of the existing two-storey side extension in order to tie in with the

proposed porch (see paragraph 2.03), but would feature a cat-slide to minimise its visual impact.

- 2.03 The porch would run along the side of the existing two-storey side extension and protrude 1.6m from its flank wall. It would be single-storey with a lean-to roof.
- 2.04 The wooden framework structure would extend across the front of the existing two-storey side extension and the proposed porch, to form what is described as a feature to the front elevation.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: DM1, DM9  
Supplementary Planning Documents: Maidstone Local Development Framework,  
Residential Extensions Supplementary Planning Document (adopted May 2009)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 One representation received from a local resident raising the following (summarised) issues
- Reasons for refusal - scale, height, design, overlarge and overbearing – have not been overcome;
  - She has received a Notice not a Certificate B;
  - Permission is not given for any encroachment;
  - Development on the Party Wall would prevent the attached house from extending;
  - Loss of light / overshadowing;
  - Right to light.
- 4.02 Rights to light and whether a neighbour gives permission for encroachment are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised are discussed in the detailed assessment below.

### **5. CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

#### Coxheath Parish Council

- 5.01 Wishes to see the application refused and has requested referral to Planning Committee if the recommendation is one of approval.
- 5.02 The Parish Council's concerns relating to previous application have not been addressed. These were:
1. two-storey rear extension very close to neighbouring property – likely to have a substantial negative effect on the amenity and light of the neighbour's single-storey extension and patio area; and

2. proposal is to use an existing party wall as part of the proposed extension. We see no evidence of a Certificate B, which we thought the neighbour would have to sign, in order for the application to be fully compliant. (*Case officer comment – a Certificate B has been submitted as part of this application.*)
- 5.03 Application does not address the Borough Council's reasons for refusal of previous planning application.
- 5.04 Extension not in keeping with a Victorian cottage and will be detrimental to its appearance.

KCC Archaeological Advisor

- 5.05 No response has been received to the consultation on the current application, however, the response to application 18/502887/FULL stated that since the site lies in an area of archaeological potential associated with Iron Age activity and undated remains have been found in the adjacent site, a condition securing a watching brief should be attached. It is considered that this stance is relevant to the current application.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to the two reasons for refusal of application 18/502887/FULL, namely:
- the impact on the host building and the street-scene; and
  - the impact on the residential amenities of the occupiers of 163 Heath Road.

### **Impact on the Host Building and the Street-scene**

- 6.02 The design of the proposal has been significantly altered from that in the previous, refused application, particularly in terms of the roof form and a reduction in scale. This means that the extension would be much better related to the host building and would no longer appear incongruous. Also the degree of both sideward and rearward projection has been reduced such that the extension would be much more proportionate to the host building and would no longer unbalance the symmetry of the semi-detached pair. Not only has there been a reduction in the bulk and extent of the flank elevation that would be visible in the gap between this property and the house to the east, but also the mass of that elevation would be broken down and given greater interest by the introduction of the cat slide roof. The use of matching materials would further assist in assimilating the extension with the existing building.
- 6.03 The proposed single-storey lean-to side extension (porch) and framework structure were previously found to be acceptable in terms of their scale and design, and their relationship to the host dwelling and I see no reason to reach a different conclusion now.
- 6.04 To my mind, this amended scheme is now acceptable in terms of its impact on the character, form and appearance of the host building.
- 6.05 The street-scene hereabouts is of mixed character and consequently, now that this amended proposal would be acceptably related to the host dwelling (as

outlined above) and would no longer overwhelm it or appear as an excessive, incongruous and sprawling addition, I do not consider that any material harm would be caused to the character or appearance of the surroundings.

- 6.06 In summary, this proposal, which is of reduced scale and amended design, overcomes the first reason for refusal of 18/502887/FULL and is now acceptable in terms of its impact on the character and appearance of the host building, the semi-detached pair of which it forms a part and the street-scene.

### **Impact on the Residential Amenities of 163 Heath Road**

- 6.07 This property has a bedroom window closest to the boundary with the application building, and on the ground floor has a single-storey rear extension understood to be a dining room with patio area beyond. The configuration of the single-storey rear extension at 163 Heath Road is such that part of the lean-to roof rises up at the side of the bedroom window, to approximately half height of the window. That window is in relatively close proximity to the common boundary (estimated to be approximately 1m.)
- 6.08 The first floor of the proposed rear extension would be set in 1m from the common boundary, meaning that it would be approximately 2m away from the edge of the neighbour's bedroom window. It has also been reduced in depth by 1m, so would now protrude 4m from the existing rear building line (and therefore from the face of the neighbour's bedroom window). To my mind, the combination of these two reductions in the size of the first floor of the rear extension would mean that although the rearmost end would still be visible in passive views from the neighbour's bedroom window, it would not actually be overbearing on that window or result in a significant loss of outlook for users of the room to such an extent as to justify a refusal of planning permission that could be sustained at appeal.
- 6.09 Concern has been raised by the neighbour regarding loss of light to the bedroom window. I have carried out the 45° BRE loss of light test recommended in the Council's adopted residential extensions SPD, but whilst the proposal fails the plan test, it does pass the elevation test and the guidance indicates that both tests should be failed for the impact to be considered sufficiently detrimental to justify a refusal of planning permission that could be sustained at appeal. This view is reinforced by the fact that the window faces north, and due to this orientation would be shadowed by the existing building for a large part of the day in any case.
- 6.10 The neighbour has also raised concern regarding the impact on light to the dining room (understood to be in the single-storey rear extension and lit by roof lights as well as openings on the rear elevation) and the Parish Council has raised a further concern regarding the patio. In relation to the dining room, the ground floor of the extension would protrude approximately 1.3m beyond its existing rear building line and the first floor would be roughly level with it. Consequently the proposal passes the 45° BRE loss of light test, so again the impact on light would not be sufficient to justify a refusal of planning permission that could be sustained at appeal. The roof lights are at an angle due to the sloping nature of the roof on which they are sited and taking account of this together with the 1m set-in of the upper floor of the extension, would be a sufficient distance from the proposed extension to prevent a significant degree of overshadowing to any greater degree than can already occur from the presence of the existing semi-detached pair of dwellings. Since the ground floor of the proposed extension would only protrude approximately 1.3m beyond the rear building line of the

neighbour's dining room and the first floor would not protrude, I do not consider that it would have an unacceptably overbearing impact on that.

- 6.11 Likewise, for the most part the proposed extension would be set behind the patio in relation to the main outlook therefrom (i.e. down the neighbour's garden). It could result in some degree of additional overshadowing, but given the presence of the existing two-storey semi-detached pair of dwellings and the high established vegetation on the common boundary immediately adjacent to the patio, on balance I do not consider that the impact would be sufficient to justify a refusal of planning permission that could be sustained at appeal.
- 6.12 In terms of privacy, the proposed rear-facing first floor windows would afford similar views to those from the existing, so I do not consider that there would be a significant increase in overlooking.
- 6.13 The proposed single-storey lean-to side extension (porch) and framework structure would not impact upon the residential amenities of the occupiers of this property.
- 6.14 In summary, this proposal overcomes the second reason for refusal of 18/502887/FULL due to the reduced depth of the first floor and its position further from the common boundary, and thus it is considered acceptable in terms of its impact on the residential amenities of the occupiers of 163 Heath Road.

#### **Other Matters**

- 6.15 There are no other neighbouring properties in a position to be significantly adversely impacted by the development in terms of residential amenity. The degree of separation from 167 Heath Road would be sufficient to maintain an acceptable level of amenity in terms of light and outlook, and since the only side-facing first floor window proposed would serve a bathroom, there would not be a material impact with regard to privacy. Proposed rear-facing first floor windows would afford similar views to those from the existing. The dwellings to the rear are considered to be sufficient distance away to maintain an acceptable level of amenity with regard to light and outlook, and the situation with regard to privacy would not be materially different to the existing.
- 6.16 The site lies in an area of archaeological potential associated with Iron Age activity and since undated remains have been found in the adjacent site, a condition securing a watching brief is considered necessary to ensure that any remains discovered during development are properly recorded. The applicant is willing to accept this pre-commencement condition if permission is granted.
- 6.17 Due to the nature, siting and scale of the proposal there are no significant ecological issues to consider.
- 6.18 No important trees would be lost.
- 6.19 Other issues raised in representations and not already discussed above include whether the neighbour is prevented from building an extension by any development taking place on the application site, that is not a matter which can be taken into consideration here. It is an accepted planning principle that each case must be decided upon its own merits. As it stands, there is no extant/implemented permission for an extension at the neighbouring property, and consequently the current application has been assessed on the basis of the neighbouring property in its current form. Should the neighbour wish to make a planning application that would be decided upon its own merits and on the basis of the current form of the application building at the time. Planning assessments

cannot take account of hypothetical developments which may or may not come to fruition.

- 6.20 The neighbour has also commented that she received a Notice and not a Certificate B. That, however, is the correct procedure – notice is formally served on any adjoining land owner using the Owner’s Notice form and then an Ownership Certificate B is submitted to the Council as part of the planning application. An Ownership Certificate B has been received in this case.

## **7. CONCLUSION**

- 7.01 It is considered that the proposal has overcome the reasons for refusal of application 18/502887/FULL and that, subject to the recommended conditions, it complies with Development Plan Policy, the aims of the Council’s adopted residential extensions guidelines and Central Government Guidance. It is not considered that there are any overriding material considerations to indicate that the application should be refused.
- 7.02 It is therefore recommended that Members grant planning permission subject to the conditions set out below.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;  
  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Site location plan and proposed block plan received on 30/01/2019, proposed floor plans received on 04/02/2019 and proposed elevations received on 11/02/2019;  
  
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority;  
  
Reason: To ensure a satisfactory appearance to the development.
- 4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority and has submitted to and had approved in writing by the Local Planning Authority the name of that archaeologist together with a written programme and specification for the

watching brief. The development shall then proceed in accordance with the approved details;

Reason: To ensure that the excavation is observed and that features of archaeological interest are properly examined and recorded.

### **INFORMATIVES**

1) Note to Applicant

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The applicant/agent was provided with pre-application advice.

Case Officer: Angela Welsford