

REFERENCE NO - 21/500267/FULL		
APPLICATION PROPOSAL Demolition of the existing garage. Erection of a single storey side and rear extension (Resubmission of 20/505394/FULL).		
ADDRESS 36 Shepherds Gate Drive Weaving Maidstone Kent ME14 5UU		
RECOMMENDATION Approval		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal meets the requirements of the relevant Local Plan policies and the guidance contained within the Supplementary Planning Document Residential Extensions (2009)		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Boxley Parish Council and is presented to the Committee at their request.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr Alan Morfey AGENT Westleigh Design
TARGET DECISION DATE 29/04/21	PUBLICITY EXPIRY DATE 15/02/21	

Relevant Planning History

20/500789/LAWPRO - Lawful Development Certificate for a proposed loft conversion incorporating rear dormer and 2 velux roof lights to front slope. Approved 01.04.2020

20/505394/FULL - Demolition of existing detached garage, erection of a single storey rear extension and a part single storey, part two storey side extension. Withdrawn 07.01.2021

87/1302 - The erection of 175 dwellings with associated car parking spaces and garages together with layout of estate roads public open space and amenity area. Approved 13.04.1988

Enforcement History:

None.

Appeal History:

None.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises a semi-detached 2-storey house located to the western side of the street, close to the junction with Harrow Way. The entrance to the property is situated on the northern elevation. There is also a driveway to this side of the house that leads to a detached garage. The loft conversion approved under reference 20/500789/LAWPRO has not been constructed to date.
- 1.02 Shepherds Gate Drive is part of a comprehensive housing development that features a range of housing designs and finishes with many of the properties having a staggered position in relation to one another. The neighbouring property to the north (34 Shepherds Gate Drive) is positioned such that its front elevation largely aligns with the rear elevation of the application property. The integral garage of this particular dwelling is adjacent to the boundary with the application site. To the

south is the adjoining half of this semi-detached pair (25 Harrow Way). This property has been the subject of a conservatory extension which is set in from the boundary. At present, the common boundary is defined by a timber fence of approximately 1.8m in height.

- 1.03 In terms of the Local Plan, Shepherds Gate Drive is located within the settlement of Weaving. The immediate locality is not subject to any specific designations within the local plan policies map.

2. PROPOSAL

- 2.01 This application seeks planning permission to add a single storey side and rear extension. This will see the demolition of the existing detached garage. The addition will be 3.05m in width to the side increasing to 8.25m as the addition meets the rear extension. The maximum length along the northern elevation is 9.2m. The elevation adjacent to the common boundary with no.25 Harrow Way will be 3.2m in length. The roof will be pitched with a maximum height to eaves of 2.8m and the maximum height will be 3.7m. The eastern elevation will feature a garage door and the western elevation facing into the garden will include a window; patio doors and 2 rooflights. The external surfaces will be finished in materials to match the existing property. The extension will provide a replacement garage together with an enlarged kitchen/breakfast room to the rear.
- 2.02 The application is accompanied by a parking plan which indicates the provision of 2 off-street parking spaces within the curtilage of the site.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 DM1; DM9
Supplementary Planning Documents Residential Extensions (2009)
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Two representations received from adjacent residents raising the following (summarised) issues:

34 Shepherds Gate Drive

- The extension would create a claustrophobic affect giving a significant amount of visual intrusion to the front aspect of our property;
- A north facing brick wall running 7m along our boundary and front door would be too dominant and overbearing and have a detrimental affect on our living environment and mental health;
- We will be faced by an ugly brick wall every time we come and go from our home and our upstairs bedroom window will also be adversely affected;
- The proposal is against Policy DM9 of the Maidstone Local Plan (2017) and saved policy H18;
- Building on the driveway up to the boundary is not in keeping with the intended character of the estate;

- The extension would be oversized for the plot;
- The development would set a precedent;
- The extension would reduce the amount of sunlight and skylight to the front of our plot and the hedge to the front of our plot would perish;

25 Harrow Way:

- The extent of the proposal will reduce light and overshadow us at the rear of our property, we will be 'penned in';
- The noise of the works and likely subsequent interior modifications will impair our wellbeing;
- The wall of the extension which is to the south of us is too close to the boundary to allow adequate access for maintenance and guttering may overhang our boundary;
- Little consideration has been given to us as neighbours e.g. the siting of the flue for the wood burning stove is close to the rear wall of our property;
- The extension may make our property more difficult to sell.

4.02 The issues raised in respect of noise during the construction period; potential impact on property prices; and future maintenance are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors 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)

Boxley Parish Council

- 5.01 In spite of the reduction in height of the proposed extension it is still overly large for the site and a large increase in the existing house footprint. It is very out of keeping with the existing street scene. There are no similar extensions of this size and prominence to the front of the properties. It would set a precedent for similar extensions which would completely alter the character of the estate.
- 5.02 The reduction in height still makes the extension very detrimental to the neighbours at number 34. It would leave them with a brick wall to the front of the property which would adversely affect their outlook, against MBC's Local Plan Policy DM9 which states that 'the pleasant outlook of adjoining residents would be safeguarded'. It would overshadow their property blocking light. It would result in the death of their hedge which could not survive a building in such close proximity to their boundary.
- 5.03 This application goes against Local Plan Policy H18 which states developments 'will respect the amenities of adjoining residents regarding privacy, daylight, sunlight and maintenance of a pleasant outlook'.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- The design and visual impact of the proposed extension;
- The impact upon the amenities of the neighbouring householders.

Design and Visual Impact

- 6.02 Shepherds Gate Drive and the adjoining Harrow Way are part of a housing development that dates from the late 1980s. There are a range of housing styles and the pattern of streets is, generally speaking, quite irregular with no rigid building lines. Many of the properties have a staggered relationship with one another and this is the case with the application site. 36 Shepherds Gate Drive forms one half of a semi-detached pair and whilst the eastern elevation of the property fronts onto the street, the entrance door to the dwelling is situated on its northern side. The adjoining half of the semi (no 25 Harrow Way) has its entrance on the eastern elevation fronting onto the highway. No.34 Shepherds Gate Drive which is directly to the north is a detached house that also has its entrance fronting the highway. At present, the front elevation largely aligns with the rear elevation of the application property.
- 6.03 The proposals will see the demolition of the existing detached garage which is positioned to the rear of the dwelling to facilitate the construction of a single storey side/rear extension. The front section of the extension will relate to a garage. The extension will not encompass the entire length of this elevation of the dwelling and therefore the existing entrance door will remain in its current position. Due to the uneven boundary line, the extension will be between 3m to 6m from the back edge of the footpath on Shepherds Gate Drive. The extension is designed with a hipped roof to the elevations that are visible in the streetscene and it is proposed to use materials to match.
- 6.04 Given the staggered arrangement of the dwellings along this part of Shepherds Gate Drive, the wider views towards the application property when looking southwards are of the 2-storey property and its entrance. The proposed extension will not alter this situation as the 2-storey dwelling will remain the dominant feature. The proposed extension is designed with a relatively modest roof form that is hipped towards the dwelling and furthermore, the materials will match the existing. The extension will not be visible in the views from Harrow Way looking northwards.
- 6.05 Characteristically, the informal arrangement of the dwellings in relation to one another is a key feature of the street pattern. Furthermore, houses with a garage to the side are also commonplace in the locality. On balance, given these characteristics, the proposal will not appear conspicuous in its setting and its single storey nature will also see that the extension does not dominate the dwelling. In addition, the existing garage has a more substantive roof form with a ridge height of 4.4m and its demolition will also free up more space towards the rear of the plot creating a more regular shaped garden. The resulting garden space is akin to many other dwellings in the locality and accordingly, the proposal would not appear to be an overdevelopment of the plot.
- 6.06 Whilst the issue of setting a precedent has been raised in the objections, this would be difficult to justify in an appeal situation given that every planning application must be considered on its individual merit. The lack of uniformity in the streetscene is arguably one of the key characteristics of this housing development in general and ultimately, the single storey nature of the extension with its hipped roof form and setback from the highway would see that it does not appear obtrusive in the general streetscene.
- 6.07 I therefore conclude on this issue that the proposal complies with the requirements of policy DM1 and DM9 together with the design guidance contained in the SPD Residential Extensions.

Impact on Neighbouring Amenities

- 6.08 Objections have been received from the occupants either side of the application site that raise a range of issues. In terms of no.34 Shepherds Gate Drive, this is a detached house located to the north of the application site. The property is arranged such that its integral garage is adjacent to the boundary with the application site and there is a driveway in front of this. The upper floor along this boundary features a window which the occupants note in their objection, relates to a bedroom. The proposed extension will not have an impact on any habitable rooms to the ground floor of no.34 as it is a garage that is adjacent to the boundary and proposed extension. It is suggested in the objection that the view when entering/leaving the property would be unpleasant but again, this could not substantiate a refusal given that the design and materials are reflective of the existing dwelling and the actual living conditions within the ground floor of no.34 will not be compromised. It would also be difficult to justify a refusal based upon the outlook from the upper floor bedroom window given that the proposed extension is single storey and could not be considered overbearing in relation to the first floor of the adjacent house. In addition, the existing view from this particular neighbouring window is largely towards the 2-storey elevation of the application property.
- 6.09 Policy DM9 requires that the privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents are safeguarded and in terms of the relationship with no.34, this would be the case given the particular relationship and layout of the dwellings.
- 6.10 The objector and Parish Council refer to saved Policy H18 however this is no longer applicable as it was replaced by Policy DM9 when the current Maidstone Borough Local Plan was adopted in 2017. It is my assessment that this scheme meets the requirements of Policy DM9.
- 6.11 The Parish Council and householders at no.34 also raise concerns in terms of the impact upon the established planting adjacent to the boundary. This is already overshadowed to a degree by the 2-storey elements of the application property and is situated such that it has a northern aspect. The proposed extension is entirely contained within the boundaries of the application site. In the circumstances, there would not be sufficient justification to consider a refusal on this basis.
- 6.12 In respect of the relationship with no.25 Harrow Way, these particular householders are concerned at the proximity of the extension to their boundary and that this will cause potential overhanging of guttering as well blocking light and causing overshadowing. This property has a window adjacent to the boundary and when applying the 45 degree rule, the proposed extension would not pass this test. It is however the case that 25 Harrow Way is situated to the south of the application site and therefore the level of sunlight from the direction of the application site being to the north is less significant. Given this orientation, I consider that the resulting relationships will be acceptable. The existing outlook from this particular window towards the application site is also of the boundary fence. I am also mindful that a very similar sized extension could be achieved under permitted development.
- 6.13 Since the initial submission, the applicant has amended the plans to remove a proposed log burner. This revision has therefore resolved the issue raised by the occupants of 25 Harrow Way in regard to this particular feature. Although the issue of overhanging guttering has been raised, no such features are indicated on the submitted plans. I do however recommend the inclusion of an informative on the

decision notice to remind the applicant that the granting of planning permission does not convey any rights of encroachment of the neighbouring boundary.

- 6.14 Ultimately, given the scale and proportions of the proposed extension together with the orientation of the dwellings, I consider that the resulting relationships will be acceptable.

Other Matters

- 6.15 A further requirement of Policy DM9 is the provision of adequate car parking within the curtilage of the site. The agent for the application has provided a block plan that details the provision of 2 off-street parking spaces and this is sufficient for this size of property in this type of location. I recommend that these parking spaces are the subject of a condition that requires their permanent retention to secure this position going forwards.
- 6.16 In accordance with Policy DM1, it is the case that residential extensions can provide good opportunities for the enhancement of biodiversity. Policy DM1 of the local plan sets out in point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'
- 6.17 Due to the nature of the proposal and the residential use of the site and the continued residential use, it is not considered appropriate/necessary to require any ecological surveys. However, it is considered appropriate to attach a condition requesting that on-site mitigation to enhance biodiversity and this can be provided in a range of ways, for example, bird boxes; bug hotels etc.

PUBLIC SECTOR EQUALITY DUTY

- 6.18 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 In balancing the details of the proposal against the objectives of the relevant Local Plan policies and the guidance contained within the SPD Residential Extensions, I conclude that this is an acceptable proposal. Whilst there have been significant objections received from the Parish Council and the adjacent householders, the assessments would indicate that there are no material reasons to consider a recommendation of refusal. I therefore recommend that this application is approved.

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; Existing Block Plan; Existing Ground and First Floor Plans 020121/1; Existing Elevations 020121/2; Existing Garage Elevation 020121/SK1; Proposed Block Plan; Proposed Ground and First Floor Plans 020121/3 (as amended 01.03.2021); Proposed Elevations 020121/4; Proposed Section 020121/5; Parking Plan 020121/SK2.

Reason: To clarify which plans have been approved.

- 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.

Reason: To ensure a satisfactory appearance to the development.

- 4) The parking spaces indicated on drawing number 020121/SK2 shall be provided before the first occupation of the extensions hereby permitted and shall thereafter be kept available for such use. No garage door or other form of enclosure shall be installed within the first set of piers as shown on the above referenced drawing so as to restrict the parking of a car in this location. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 5) The extensions hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through either integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks, or through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles and hedgerow corridors. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

INFORMATIVES

- 1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- 2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should

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satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Georgina Quinn