

## REPORT SUMMARY

<b>REFERENCE NO - 21/500927/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of annexe in rear garden, ancillary to main dwelling.		
<b>ADDRESS</b> 80 Oakwood Road Maidstone Kent ME16 8AL		
<b>RECOMMENDATION</b> Approval		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>  For the reasons set out below it is considered that the proposed extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.		
<b>REASON FOR REFERRAL TO COMMITTEE – CLLR VIZZARD</b> This is an annex and ancillary to the main building that I wanted to be sure the siting location and scale of the annex did not impinge on any of the adjoining residential premises.		
<b>WARD</b> Heath	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Steve & Mrs Amanda Booth <b>AGENT</b>
<b>DECISION DUE DATE</b> 26/05/21	<b>PUBLICITY EXPIRY DATE</b> 10/05/21	<b>OFFICER SITE VISIT DATE</b> 19/04/21
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> No planning history		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The application site is located within the urban area of Maidstone Borough just off the A26 which is a public transport corridor. The site comprises of a two-storey detached dwelling which is served with a reasonable sized front garden with driveway suitable for up to 3 cars and benefits from a large rear garden. The boundaries at the rear of the property comprise of close boarded fences and ample vegetation from surrounding properties such as trees and hedges. There is a shed and greenhouse sited in the rear garden towards the rear of the garden boundary.

### 2.0 PROPOSAL

2.01 The proposal is for the erection of annexe in the rear garden which is to be ancillary to the main house. The annexe will be single storey and measure 9m in width, internal living space will be a depth of 6m and the overall depth including the front deck area would measure 8.5m. The proposed roof will be pitched with a height to eaves of 3m and overall height of 4.7m. The annexe will comprise of living area, bathroom, bedroom and office.

- 2.02 The application form confirms the annexe will be a wooden structure with double glazed UPVC windows and doors.
- 2.03 The proposed windows sited on the rear of the annexe will serve the bathroom and living area, there will also be a window serving the bedroom and office on the west elevation. All the windows proposed are small and will be no higher than 2.6m from ground level.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

SP1 – Maidstone Urban Area

DM1 - Principles of Good Design

DM9 – Residential Extensions, Conversions and Redevelopment within built up area.

DM11 – Residential Garden Land

Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (2009), KCC SPG4

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 6 neighbour representations received objecting on the following grounds:

- Visibility of annexe
- Impact on character and landscape area
- Independent access
- Impacts upon biodiversity
- Overlooking
- Visually detrimental
- Loss of privacy
- Noise, smell and disturbance
- Location of annexe

### **5.0 CONSULTATIONS**

- 5.01 KCC County Arch – No comments received

### **6.0 APPRAISAL**

- 6.01 The key issues are:

- Impact upon neighbouring amenities
- Visual amenity

#### **6.02 Policy Context**

- 6.03 Policy SP1 states *Within the urban area and outside of the town centre boundary identified in policy SP4, Maidstone will continue to be a good place to live and work. This will be achieved by: ii. The development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive*

*character;*

- 6.04 Policy DM9 states Within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property which meet the following criteria will be permitted if:
- i. The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
  - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
  - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
  - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

- 6.05 Policy DM1 states Proposals which would create high quality design and meet the following criteria will be permitted:
- ii. Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;

iv. Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;

- 6.06 Paragraph 4.72 of the Residential Extensions Supplementary Planning Document states:

In order to safeguard the privacy of neighbours, the introduction of windows in extensions which would overlook windows of habitable rooms in any adjoining property at a close distance and would result in an unreasonable loss of privacy will not be permitted. For similar reasons, a window overlooking the private area immediately adjacent to the rear of an adjoining dwelling is also inappropriate. The Borough Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property which, if it has been extended, will be measured from the back edge of the extension.

#### **6.07 Design and Visual Impact**

- 6.08 The annexe has been designed to be sympathetic to the surrounding area in terms of height and materials. The structure will be timber with UPVC windows and doors with a decked area to the front.

- 6.09 There are other outbuildings located in the rear gardens of nearby properties and wooden outbuildings of various sizes are not an unexpected feature in this setting and some can even be built without requiring planning permission. This proposal has been designed to appear as an ancillary outbuilding, with use of traditional materials. A condition has been imposed requiring material samples. All surrounding properties have generous sized gardens ensuring that the proposal will have minimal visual impact. The proposal will not be visible from the nearby roads

and so will have no adverse impact on streetscene. It is not considered that the property is of such high visual amenity value that the erection of an outbuilding/annexe would result in any significant harm as it is not listed, nor located in a conservation area or other area of special designation. All the surrounding properties are mostly modern in design and appearance and the proposal would blend in with its domestic surroundings.

6.10 Overall, it is considered that, in its context, the proposed development would not appear significantly out of place or out of character with its surroundings.

#### **6.11 Impact on neighbouring amenities**

6.12 82 Oakwood Road

6.13 This property is sited east of the property, due to the siting and the annexe being a single storey structure this would not impact the outlook of this neighbouring property and would not be an overbearing development, the annexe is sited at the very rear boundary of the site and is sufficient distance away to not impact upon the private amenity area of the property.

6.14 2 Manor House Drive

6.15 This property is sited to the west of the property, due to the siting and the annexe being a single storey structure this would not impact the outlook of this neighbouring property and would not be an overbearing development, the annexe is sited at the very rear boundary of the site and is sufficient distance away to not impact upon the private amenity area of the property. The occupier of this property has raised concerns in regards to overlooking, however the annexe is sited over 34m away for the rear elevation of the property and therefore there would be no overlooking or loss of privacy issues to the residential amenity of this property. Other concerns raised includes the two windows sited on the elevation facing this property, the windows are small and serve the annexes bedroom and office space, given the distance from the property again this would not be detrimental to the residential amenity.

6.16 3 Manor House Drive

6.17 This property is sited to the west of the property, due to the siting and the annexe being a single storey structure this would not impact the outlook of this neighbouring property and would not be an overbearing development, the annexe is sited at the very rear boundary of the site and is sufficient distance away of over 36m from the properties rear elevation to not impact upon the private amenity area of the property.

6.18 Oakwood Court

6.19 Properties sited on the western side of Oakwood Court are separated from the application site by the rear garden of 82 Oakwood Road and are also a significant distance away from the proposed annexe so as to suffer no adverse impacts.

6.20 130 Tonbridge Road

6.21 This property is sited at the rear boundary and is only slightly joining the boundary of the application site. The residential amenity area of this property is situated over 43m from the rear boundary and is sufficient distance away from the properties rear elevation to not impact upon the private amenity area of the property.

6.22 Overall, therefore, there is no justification on grounds of loss of amenity to refuse this proposal it is well sited away from other properties, single storey with a low height and a reasonable sized footprint. It is noted that outbuildings would normally be constructed at the end of gardens and overall the proposal would not greatly differ from a summerhouse or other structure and the annexe use can be controlled via condition.

### **6.23 Other Matters**

6.24 KCC Highways state within their residential parking standards that a property with 4+ bedrooms should be allocated at least 2 independently accessible spaces within a suburban area. I would consider the amount of space retained on the private forecourt to accommodate 2+ cars and would therefore be in accordance with policy DM9 and KCC Highways recommendation for properties of this size. Furthermore, the application site is sustainably located near to bus routes and the town centre.

6.25 There are no significant trees in close proximity to the site that will be detrimentally impacted by this development.

6.26 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.' A biodiversity condition has been imposed to enhance on-site biodiversity. The property has a long and spacious garden and ample opportunity for planting and biodiversity provision and the proposal will not adversely impact on biodiversity, but creates the opportunity for enhancement.

6.27 The proposed annexe has no independent vehicular access which assists in ensuring that it remains ancillary to the main dwellinghouse. Furthermore, a condition has been imposed to ensure that the annexe is ancillary to 80 Oakwood Road.

6.28 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after. An Informative has been imposed informing the applicant about CIL.

## **7.0 CONCLUSION**

7.01 For the reasons set out in this report, it is considered that the development proposals would meet the requirements as set out in the planning policies and residential guidance and, as such, recommend approval subject to conditions.

## **8.0 RECOMMENDATION – GRANT 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 – Received 31.03.21  
Proposed Site Location Plan – Received 31.03.21  
Proposed Sections – Received 31.03.21  
Proposed Floor Plan – Received 31.03.21  
Proposed Elevations – Received 31.03.21  
Proposed Block Plan – Received 31.03.21  
Foundation Plan – Received 31.03.21  
Site Outline and Drainage – Drawing Number Rev 0.6 – Received 18.03.21  
Tree Location Plan – Received 18.03.21

Reason: To clarify which plans have been approved.

- (3) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- (4) The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as 80 Oakwood Road

Reason: Its use as a separate unit without adequate parking or turning space, without adequate amenity space, would result in an unsatisfactory relationship with the principal dwelling, would be contrary to the provisions of the development plan for the area within which the site is located.

- (5) The extension/s hereby approved shall not commence above slab level until details of 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 at least one integrated method into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be maintained thereafter.

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

## INFORMATIVES

- (1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

- (2) 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.
- (3) The applicant is advised to note the provisions of the Environmental Protection Act 1990 Part III with regard to noise.

Case Officer: Joanna Woods

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.