

APPLICATION: MA/10/0832      Date: 5<sup>th</sup> May 2010      Received: 16<sup>th</sup> June 2010

APPLICANT:            Mrs Boorman

LOCATION:              1, WICKHAM PLACE, LENHAM, MAIDSTONE, KENT, ME17 2PF

PROPOSAL:            Erection of conservatory as shown on Design and Access statement, site location plan and drawing no. MC 13404/1 received 14/05/10 and drawing no. MC 13404/2 received 16/06/10.

AGENDA DATE:        22<sup>nd</sup> July 2010

CASE OFFICER:        Kathryn Altieri

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Lenham Parish Council

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: H18, ENV34

Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS5 - Planning for the Historic Environment

### **HISTORY** (relevant)

MA/10/0472 - Erection of a conservatory - withdrawn

MA/87/1928 - Erection of five houses and two flats – approved/granted with conditions

### **CONSULTATIONS**

Lenham Parish Council wish to see the application refused on the following grounds;

*"We wish to see the application refused and request the application is reported to the Planning Committee for the planning reasons set out below:-*

*The height of the proposed development will cause a loss of light to neighbouring properties. We are concerned about the closeness to the boundary of the neighbouring property and feel it will cause maintenance difficulties. The attribution of the layout of the plans is incorrect. The conservatory is on the side of the building and not on the rear."*

Conservation Officer: Raises no objections to the proposal subject to materials and joinery conditions;

*"This scheme is better than that previously withdrawn and has a more comfortable relationship with the host dwelling; it will also have a lesser (and acceptable) impact on the character of the Conservation Area."*

## **REPRESENTATIONS**

Neighbours: 2 neighbours raised concerns over the proposal's impact upon the conservation area, it being out of keeping, it being over dominant, possible loss of light, maintenance of gap to the side of the proposal, use of materials and existing covenants.

## **CONSIDERATIONS**

### **1. The Site**

1.1 The application site relates to an end of terrace, two-storey dwelling that is part of a private cul-de-sac known as Wickham Place, which is accessed from the eastern side of 'The Square'. Situated within the village of Lenham, the property also falls within an Article 4 Direction area, Lenham Conservation Area and the North Downs Special Landscape Area, as designated by the Maidstone Borough Wide Local Plan 2000. The Article 4 Directive removes the permitted development rights for extensions, outbuildings, fences and hardstanding.

1.2 There is garaging and an Ironmongers yard to the west of the site, largely screened by high level boundary treatment.

### **2. The Proposal**

2.1 The proposal is for the erection of a conservatory that would project 4m from the rear flank and in total, measure 4.3m wide (including the porch section). With its 'L' shaped hipped roof, the proposal would have a ridge height of 3.3m from ground level and an eaves height of 2.5m. The total floor area of this proposal would be some 14m<sup>2</sup>.

2.2 The roof of this proposed addition is to be glazed and the external walls would be of white painted brick to match the main dwelling.

2.3 The property has had its permitted development rights removed by way of condition on the original planning approval for this development (MA/87/1928).

### **3. Planning Issues**

3.1 The specific policy under the Maidstone Borough-Wide Local Plan 2000 relating to housing extensions within a village envelope is Policy H18, which states;

*"THE BOROUGH COUNCIL WILL PERMIT EXTENSIONS AND ADDITIONS TO RESIDENTIAL PROPERTIES PROVIDED THAT THE PROPOSAL:*

- (1) IS OF A SCALE AND DESIGN WHICH DOES NOT OVERWHELM OR DESTROY THE CHARACTER OF THE ORIGINAL PROPERTY; AND*
- (2) WILL COMPLEMENT THE STREET SCENE AND ADJACENT EXISTING BUILDINGS AND THE CHARACTER OF THE AREA; AND*
- (3) WILL RESPECT THE AMENITIES OF ADJOINING RESIDENTS REGARDING PRIVACY, DAYLIGHT, SUNLIGHT AND MAINTENANCE OF A PLEASANT OUTLOOK; AND*
- (4) ENSURES THAT ADEQUATE CAR PARKING PROVISION WITHIN THE CURTILAGE OF THE DWELLING IS PROVIDED, IN ACCORDANCE WITH THE ADOPTED CAR PARKING STANDARDS.*

*SUCH DEVELOPMENT WILL BE GUIDED BY SUPPLEMENTARY PLANNING GUIDANCE WHICH HAS BEEN APPROVED BY THE BOROUGH COUNCIL."*

I will consider the proposal against the criteria set out in this policy.

#### *Impact upon the property and streetscene*

3.2 The proposal would be a single storey structure, subordinate and ancillary to the existing house and conditions would be imposed requesting joinery and external material details, to further ensure the appearance of this development is satisfactory. It should also be noted that the footprint of this proposal would be less than 40% than that of the existing property, which is considered to be a modest addition.

3.3 In addition, I feel that the low eaves height and hipped roof design would only further reduce the bulk of this development and that its location and orientation is such that it would be largely screened from any public vantage point, especially given that the existing 2m close boarded fencing for boundary treatment would screen the bulk of it from view.

3.4 I therefore believe that this modest proposal, subject to material and joinery conditions, would not overwhelm or destroy the character of the existing property and nor would it have a significant detrimental impact upon the character and appearance of the Lenham Conservation Area or adjacent buildings. The Conservation Officer is in agreement with this opinion.

3.5 Whilst I appreciate that each planning application is assessed on its own merits, it is worth noting that a similar scaled and designed conservatory has been erected to the rear of 7 Wickham Place (approved under MA/00/1563), which is the end property located in the north-eastern corner of Wickham Place.

#### *Impact upon the neighbours*

3.6 The proposed extension would project more than 3m from the rear elevation, so in accordance with the Council's 'Supplementary Planning Document - Residential Extensions', the BRE daylight elevation and plan tests were carried out. This was to see if there would be any impact upon the neighbour (2 Wickham Place) in terms of

loss of daylight. The proposal failed the BRE daylight plan test but passed the BRE daylight elevation test. The BRE guidelines state that only development that fails both tests would cause a significant loss of light. Furthermore, the rear ground floor opening of 2 Wickham Place is a fully glazed patio door measuring some 1.8m in width, which allows optimum light into the room it serves. The proposed roof would also be glazed, allowing natural light to pass through; and the proposal's low eaves height and hipped roof design would ensure that this development would not have an overwhelming impact upon the adjoining neighbour.

3.7 It should also be noted that the orientation of this terrace is such that limited sunlight already reaches the rear gardens of the adjoining neighbours and I do not believe that this proposal would have a significant detrimental effect upon this situation, enough to justify refusal.

3.8 It is therefore considered, because of the proposal's scale, design and location, there would be no significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

#### Impact upon the parking

3.9 The proposal, because of its location and nature, would not have a significant impact upon the parking provision or generate any need.

#### **4. The conclusion**

4.1 The comments raised by Lenham Parish Council and the neighbours have been dealt with in the main body of this report. However, I would like to add that any covenants on the site or maintenance issues of the gap created to the side of the development are not material planning considerations and therefore cannot be considered under this application.

4.2 It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

#### **RECOMMENDATION**

**APPROVE 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 shall not commence 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. This is in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and PPS5.

3. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery in the form of large scale drawings.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained. This is in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and PPS5.

### **Informatives set out below**

None

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.