

REPORT SUMMARY

REFERENCE NO: - 23/502179/FULL		
APPLICATION PROPOSAL: Erection of annexe ancillary to main dwelling.		
ADDRESS: 588 Tonbridge Road Maidstone Kent ME16 9DH		
RECOMMENDATION: GRANT – subject to planning conditions set out in Section 8.0 of the report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the proposed detached annexe would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development are considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: Call in by Cllr Kimmance, needs to be a committee decision, appears large and possible overlooking.		
WARD: Heath	PARISH/TOWN COUNCIL: Unparished	APPLICANT: Mr Karl Brown AGENT: John Childs Architectural Design
CASE OFFICER: Ping Tye	VALIDATION DATE: 11/05/23	DECISION DUE DATE: 03/08/23
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

22/505235/LAWPRO

Lawful Development Certificate for proposed single storey summer house to the rear of the garden.

Invalid No Further Action 18.04.2023

21/501374/FULL

Extension of existing cross over

Approved 03.06.2021

79/1828

Extension of kitchen and bathroom

Approved 21.11.1979

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 588 Tonbridge Road is a semi-detached two-storey dwellinghouse located to the north of A26 (Tonbridge Road) in the urban boundary of Maidstone, to the east of the town centre. The surrounding properties in the vicinity are predominantly semi-detached two-storey dwellings. The application site level would slope downwards in a southeastern direction towards the main dwelling.

1.02 The property is a residential dwelling, and the site is not situated within a conservation area, or an area of outstanding natural beauty. Additionally, there are no restrictions on the permitted development rights to extend or alter the dwelling house.

2. PROPOSAL

- 2.01 The proposal is for the erection of an annexe ancillary to the main dwelling. The annexe would be sited at the very end of the garden on a slightly elevated level. There would be a gap of approximately 1.1m from the rear boundary, and 0.7m from the eastern and western side shared boundaries.
- 2.02 The applicant subsequently submitted amendment plans with the following alterations to the scheme:
- a. The proposed annexe has been moved further from the rear boundary from 0.7m to approximately 1.1m away to allow for planting of laurel hedges along the site boundaries.
 - b. The original ridge height has been reduced from 2.696m to 2.6m.
 - c. Omission of rearward facing window.
- 2.03 The proposed annexe is approximately 7.1m wide and 6.3m deep. It would have a gentle dual pitched roof with a ridge height of 2.6m and an eaves height of 2.45m.
- 2.04 The proposed annexe would consist of a combined lounge/kitchen, one bedroom and shower room. The proposed annexe is considered ancillary to the host dwelling. It is located within the curtilage, would not have its own access and would share garden and utilities.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

- DM1 – Principles of good design
- DM9 – Residential extensions, conversions and redevelopment within the built-up area
- DM23 – Parking standards

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22):

- LPRSP15 – Principles of good design
- LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment in the built-up area

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Local Development Framework: Residential Extensions SPD

4. LOCAL REPRESENTATIONS

Local Residents: 12 representations for original plans (and 10 representations for amended plans) were received from local residents and Ward Councillors raising the following (summarised) issues:

- The application states that no work has commenced but some preparatory work appears to be completed, (e.g. ground preparation, laying of cables and pipes).

- Groundwork excavations have already commenced up to boundary fence, undermining integrity of boundary fence and beginning to show initial signs of ground subsiding into neighbouring property.
- Trees and shrubs were all felled and cleared.
- Adjacent facing bathroom window impact on neighbouring privacy.
- Annexe is too big and tall in such close proximity to common rear boundaries resulting in loss of privacy.
- Potential issues with noise, smell, light pollution, rodents.
- Visual appearance i.e. black external material is overbearing, not in keeping with surrounding dwelling and area
- Unclear whether the cladding material is non-combustible.
- Potential harm from installation of air conditioning, gas appliances or wood burning stove, and other paraphernalias.
- Alternative location should be considered within long large garden of application site and away from common boundaries.
- Set precedence for self-contained properties, potential for sub letting, and may affect the demographics of this area and may have a detrimental effect on the value of dwellings in the surrounding area.
- Intended "residential use", email correspondence with the planning office details use for elderly resident with "ill health and mobility issues", given the significant slope of the garden profile, the isolated plan position and the garden slope will make it very difficult for the resident with mobility issues, there is a significant lack of planning detail for providing an appropriate residence for an elderly resident with mobility issues.
- No adequate parking and access for carer of elderly resident with ill health.
- The type of structure is not in keeping with the surroundings gardens. Additionally, these have an impact on population density and impact of provision of utility support services such as water, gas, electricity, sewerage and telecommunications.
- The raised elevation of the proposed structure would impact on neighbours' privacy into the rear living area of property and restrictions on the use this area of garden in the future.
- Lack of notification to neighbours in Abington Road and Trellyn Close.
- Maintenance of laurel hedge will be an issue due to lack of space.
- Noise from construction activities.

Cllr Kimmance: *"Would like to call this application into planning committee for decision as it seems to be large and there is possible overlooking into adjacent properties." "Needs to be a committee decision".*

Barming and Teston: *"Half of the Beverley Estate (in which Abingdon Road is located) falls within ward of Barming and Teston. The application has a far greater impact on the back gardens of Abingdon Road because their back gardens are much shorter. Garden outbuildings are usually timber built and used as a garden shed or summer house, etc., not for residential use which would be significantly visually obtrusive and would compromise the open garden settings. Noise and disturbance from the residential unit would significantly upset the enjoyment and quality of life of neighbouring properties, especially as their houses are nearer to the unit than that of the applicant's house. Annexes are by their nature ancillary to the main house and are usually built as an extension to that house. They would be expected to be built with matching materials, and to include measures to encourage biodiversity, ecology, landscaping etc. This proposal is significantly distanced from*

the main dwelling with no such information submitted. I ask that this application be refused on the policy grounds of DM11 and DM12."

Officer notes: Issues regarding property value, fire rating of material used, potential noise, smell, rodents, and other environmental issues are not material planning considerations and will be dealt with under different legislations.

By their very nature, construction periods for annexes are normally only for a short duration and are not something that can be controlled via condition. Issues relating to construction and also noise and disturbance from construction would be dealt with by Building Control or Environmental Health. Informatives are attached to draw the applicant's attention to construction and recommended development practices.

5. CONSULTATIONS

KCC Archaeologist

5.01 KCC Archaeologist consulted and no comments received.

6. APPRAISAL

The key issues are:

- Site background/Principles of Development/Policy Context
- Visual Impact
- Residential Amenity
- Parking/Highway Safety
- Other Matters

Site Background/Principle of Development/Policy Context

6.01 The application site is located within the Maidstone Urban Area.

6.02 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity. DM1 (xiv) refers to being flexible towards future adaptation in response to changing life needs.

6.03 Policy DM9 refers to residential extensions, conversions and redevelopment within the built-up area. DM9 states that within the defined boundaries of the urban area, rural services centres and larger villages, proposals for the extension, conversion and redevelopment of a residential property, design principles set out in this policy must be met. DM9 states:

(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 and/or its context;

(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.

6.04 The Residential Extensions SPD in relation to this proposal sets out the following:

Garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location.

- 6.05 As detailed in the applicant's email correspondence, the requirement for the proposed annexe is to accommodate elderly relative: *"My 80 year old step mother who resides in Broadstairs, needs to live with me due to the onset of old age and health issues which means that living away from her London based family is now not a good idea as we cannot get to Broadstairs quickly if there is a problem. Also needs to be on one level as she finds stairs difficult to navigate but naturally wants to maintain her independence."*
- 6.06 An annexe is actually considered as a householder residential extension and so is assessed under policy DM9. It is not new residential development or a subdivision of a plot and so does not need to be considered under DM11 or DM12. What needs to be ensured is that the proposal remains ancillary to the main dwelling and a condition will be imposed to address concerns. Such conditions are regularly used on annexe permissions to ensure that the annexe remains ancillary and read as follows:
- "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 588 Tonbridge Road, Maidstone."*
- 6.07 The principle of residential extensions within settlements is therefore considered acceptable, provided that the material planning considerations discussed below would be acceptable.

Visual Impact

- 6.08 As mentioned, the proposed annexe will be sited at the rear garden. It is not visible from the streetscene and therefore it is not considered to have a detrimental impact on the streetscene or character of the area.
- 6.09 Concerns were raised with regards to the size of the annexe. The scale of the proposed single storey annexe is considered acceptable relative to the two storey semi-detached host dwelling and its large garden. Only a small section of the building would be visible over the fence line. Similar outbuildings to the proposal can be built within 2m of residential boundaries under permitted development rights up to a height of 2.5m. Therefore, the need for planning permission in relation to height is the additional 0.1m on this proposal. On balance, it is considered that this height and overall size is not unreasonable for an annexe.
- 6.10 The proposed materials consist of black wall cladding, black roofing felt and black aluminium doors and windows. The proposed materials do not match the materials used in the existing property, however, considering the proposal is located at the rear of the property, is a detached outbuilding and not visible from any public views, it is considered that this would not harm the overall character of the host dwelling. Very often outbuildings are not constructed from materials to match the main dwelling, nor, in most cases, would they be expected to. It is considered on balance, therefore, that the annexe would not detrimentally impact the character and appearance of the host dwelling. It would appear as a subservient outbuilding in line with local plan policies and guidance.
- 6.11 It is noted that the site has been cleared of all trees, shrubs and vegetation during case officer's visit in June. Soft landscaping scheme and its implementation shall be conditioned within the garden along the north, west and east common boundaries to further shield the proposed annexe and also to soften the large expanse of the closed boarded timber fence. Overall, the proposed annexe is not considered to have a detrimental impact on the streetscene or character of the area. Such outbuildings at the rear end of the garden are not unexpected and would not look out of place.

Residential Amenity

- 6.12 The nearest neighbouring properties are to the east (No.586 Tonbridge Road) and to the west (No.590 Tonbridge Road), and also to the north west (No.75 and No.77 Abington Road). All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.
- 6.13 The outbuilding is in close proximity (approx. 0.7m and 1.1m) from the common boundary with neighbouring properties and concerns have been raised regarding the loss of privacy and overlooking due to the higher land elevation on which the annexe is sited. However, considering the modest height of the proposal at approx. 2.6m and the close boarded fencing, and its location at more than 30m away from No.586 and No.590 and 20m away from No.75 and No.77. The proposal is sited on the same land level as the properties to the north on Abington Road and so with its low height and the gaps between buildings, it is not considered that it would be overbearing. Although the rear of the garden is higher than the land levels for the dwellinghouses on Tonbridge Road, the slope is not significant and when combined with the significant spacing and low height of the building, this would also ensure that the proposal would not be overbearing on the dwellings to the east and west. Overall, it is considered that there would be no detrimental impact on neighbouring amenity in terms of loss of privacy or overlooking, loss of light or overshadow or loss of outlook would result.
- 6.14 There is no adjacent facing fenestration proposed on the north or east elevations. The west facing window for the shower room is proposed to be obscure glazed and a condition can be imposed to remain as such. Therefore, it is considered that no additional overlooking and loss of privacy to neighbouring occupiers would result.
- 6.15 Taking the above into consideration, it is considered that the proposal will not cause unacceptable harm to the residential amenity of the adjoining properties that would warrant a refusal.

Parking/Highways

- 6.16 The proposal would facilitate an additional bedroom. However, there is considered to be sufficient parking at the front of the host dwelling for a minimum of 2 cars. No harm highway safety/parking provision would result. A condition will also be added relating to renewables and sustainability.

Other Matters

- 6.17 Concerns have been raised regarding potential light pollution. No external lighting has been proposed. A condition can be imposed in relation to lighting to ensure that any additional lighting on the annexe would require consent.
- 6.18 Concerns were raised regarding Biodiversity/Ecological Enhancements. Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.

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.' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided integral to the proposed annexe and within the curtilage of the dwellinghouse.

- 6.19 Concern has been raised regarding consultation. All the required consultation was carried out via notification letter to all adjoining neighbours (those to both sides, the two properties adjacent to the rear boundary and the property opposite. In addition, a site notice was also posted. This is over and above the notification which is required to be undertaken, which is either notification letter **or** site notice. The Council has undertaken both.

PUBLIC SECTOR EQUALITY DUTY

- 6.20 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.

CIL

- 6.21 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 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.

7. CONCLUSION

- 7.01 For the reasons set out above it is considered that the proposed erection of erection of annexe ancillary to main dwelling would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

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:

Proposed Annexe Floor Plan and Elevations – Drawing no. P.01 Rev A. Received 01.06.2023

Site Location and Block Plans – Drawing no. P.02 Rev A. Received 01.06.2023

Reason: To clarify which plans have been approved.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans and application form

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 588 Tonbridge Road, Maidstone.

Reason: Its use as a separate unit would be contrary to the provisions of the development plan for the area within which the site is located.

- 5) The development 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.

- 6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate. The landscape scheme shall specifically address the need to provide native or near-native species planting to screen the proposed annexe along the northern, western and eastern boundaries.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 7) The use or occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 8) No additional external lighting shall be installed on the annexe hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 9) Before the annexe hereby permitted is first used, the proposed shower room window on the west elevation of the annexe shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 10) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

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 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.
- 3) Your attention is drawn to the following working practices which should be met in carrying out the development:
 - Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
 - Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
 - Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
 - Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
 - The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
 - Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
 - It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been

demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

- 4) Details pursuant to Condition 5 should show, on a scaled drawing, the type and number of the proposed ecological enhancements as well as their intended positions, including, where appropriate, the height above ground level to demonstrate that this would be appropriate for the species for which it is intended. Any bird boxes should face north or east and bat boxes and bee bricks should face south. Where planting is proposed, please also supply details of the number of plants of each species as well as the intended size on planting (eg: pot size in litres). Some helpful advice may be found at:

<https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>

<https://www.rspb.org.uk/birds-and-wildlife/advice/how-you-can-help-birds/>

<https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

<https://www.wildlifetrusts.org/actions/how-build-hedgehog-home>

<https://www.woodlandtrust.org.uk/blog/2019/09/how-to-build-a-bug-hotel/>

Case Officer: Ping Tye

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