

REPORT SUMMARY

REFERENCE NUMBER: 24/503446/FULL		
APPLICATION PROPOSAL: Proposed loft conversion with hip to gable roof extension to side elevations with barn hips, crown top dormer to rear elevation, 5 No rooflight windows to front elevation and single storey ground floor extension to rear elevation. Chimney removal.		
ADDRESS: 45 Fauchons Close, Bearsted, Kent ,ME14 4BB		
RECOMMENDATION: GRANT – subject to the 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 proposal is 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 is considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Bearsted Parish Council who have requested the application be presented to Planning Committee for the reasons set out below.		
WARD: Bearsted And Downswood	PARISH/TOWN COUNCIL: Bearsted	APPLICANT: Mr Dean Langan AGENT: EK Planning Ltd
CASE OFFICER: Angela Welsford	VALIDATION DATE: 21/08/24	DECISION DUE DATE: 31/10/24
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

None.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located within the defined urban area of Maidstone, at the end of the western arm of a residential cul-de-sac in Bearsted parish. The area is identified as an Air Quality Management Area.
- 1.02 The site contains a small, detached, 1950s bungalow with attached single garage on its eastern side. There are no existing extensions to the original building (a previous small conservatory has been removed).
- 1.03 The street-scene along the western arm of the cu-de-sac is made up of bungalows. There are several semi-detached pairs with hipped roofs featuring gablets, and interspersed amongst them are a number of detached properties, of differing designs, some of which have gabled roofs and some of which have hipped roofs. The application building currently has a hipped roof with a small, hipped front projection.
- 1.04 At the eastern end of the cul-de-sac are gabled, chalet-style dwellings with flat-roofed front dormers.

2. PROPOSAL

- 2.01 The application seeks planning permission for a loft conversion and a single-storey rear extension.
- 2.02 The loft conversion involves replacement of the existing side roof hips with barn-hipped gables, construction of a crown-topped dormer to the rear, and insertion of five roof lights to the front roof slope. The dormer would be approximately 9.3m wide with maximum projection from the roof plane of approximately 3m. This loft conversion would provide two double bedrooms and a shower room, plus head-height for a staircase. The existing chimney would also be removed as part of the proposal.
- 2.03 The single-storey rear extension would run across the full width of the rear elevation, protruding 4.35m and standing approximately 2.9m high to the top of the virtually flat roof, which would feature two up-standing sky lights. It would provide a family-sized kitchen and dining area.
- 2.04 Proposed materials are matching brickwork with a felt or EPDM rubber roof for the rear extension, and plain hanging tiles for the gable ends and dormer face and cheeks, plus matching roof tiles for the barn-hipped roof extensions and the crown roof of the dormer.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (adopted 20 March 2024):

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: Residential Extensions SPD.

4. LOCAL REPRESENTATIONS

Local Residents: 6 neighbours consulted. 2 letters of objection received raising the following (summarized) concerns:

- Overshadowing/loss of light;
- Overlooking/loss of privacy;
- Overbearing;
- Disproportionate;
- Dominant/lacks subordination;
- Out of keeping with host building and street-scene;
- Poor design;
- Insufficient off-road parking.

5. CONSULTATIONS

Bearsted Parish Council

Objects to the application for the following (summarised) reasons:

- Proposal is not subordinate to host dwelling and would dominate it and its surroundings;
- Dormer is out of keeping with the street-scene;
- Unacceptable level of overlooking, loss of light and overbearing impact to neighbours;
- Insufficient parking provision.

6. APPRAISAL

6.01 The key issues are:

- Visual impact
- Residential amenity

6.02 The site is located within the urban area where the principle of residential extensions is considered acceptable and proposals should be approved, provided they do not have a significantly harmful visual impact, do not cause significant harm to the residential amenities of neighbours and are acceptable in terms of all other material planning considerations.

Visual Impact

6.03 Local Plan Review Policy LPRHOU2 states, amongst other things, that extensions to dwellings in the urban area will be permitted if the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building and the character of the street-scene and/or its context. Policy LPRSP15 advocates good design and requires proposals to respond positively to, and where possible enhance, the local character of the area. Design guidance is set out in the Council's adopted Residential Extensions SPD.

6.04 The existing bungalow is unremarkable in appearance and does not exhibit any architectural merit worthy of preservation. Its character is that of a modest, single-storey building.

6.05 The proposed barn-hipped gable-end roof extensions would add bulk at the highest level by increasing the length of the ridge, but would not raise its height and would not increase the overall basic width of the bungalow beyond its current built envelope. As such, it is not considered that this part of the proposal would overwhelm the character of the original building, dominate it, or cause harm to its appearance. The roof lights would be modest in scale and are in line with the design advice in the Residential Extensions SPD which states that "*Roof lights, particularly on the front elevation, are a preferable alternative to the use of dormers*" (paragraph 4.32). It is also important to note that this part of the proposal could be carried out on its own as permitted development, without the need for planning permission, and that would be the applicant's fall-back position.

6.06 As explained in Section 1 above, although the buildings along the western arm of Fauchons Close are all bungalows, those are not all the same design and there is no consistent pattern to the street-scene. There are several semi-detached pairs which look similar, but the interspersed detached bungalows, of which the application building is one, are much more varied in design. The adjacent property to the east, 43 Fauchons Close, has a gabled roof, as does 36 Fauchons Close, opposite, and 32 Fauchons Close has roof lights visible on its front and side roof slopes. In this context, it is not considered that the proposed barn-hipped gable-end extensions and roof lights would be out of keeping or damaging to the character of the street-scene.

- 6.07 The proposed rear dormer is large, and it would dominate the extended rear roof slope. In that respect, it does not comply with the design advice in the Residential Extensions SPD. However, it is not so large that it would overwhelm the host building, and its visual appearance would be improved and its mass broken up by the inclusion of the crown-topped roof, which would tie in with the pitch of the barn-hipped gable-ends.
- 6.08 Furthermore, the dormer would not be widely visible in public views from the street, since only one side elevation could be seen obliquely through the gap between the gable end of 43 Fauchons Close and the barn-hipped end at the application site, in which view its depth would appear foreshortened due to the perspective. For this reason, the dormer would not have any real impact on the street-scene and would not appear obtrusive. Given that there are flat-roofed dormers on the front-facing roof slopes of the chalet dwellings at the eastern end of the cul-de-sac, it is considered that this proposed crown-roofed dormer on the rear elevation could not reasonably be said to be significantly out of keeping with the surroundings or to cause any significant visual harm.
- 6.09 It should be noted that, in addition to the barn-hipped gable-end extensions, a rear dormer(s) of approximately half the current proposed volume could be constructed as permitted development. If that were to be set close to the eastern roof verge, (or to take the form of two separate dormers set close to the roof verges with a gap in between them where the staircase is currently proposed), the visual effect from the front street would not be materially, if at all, different to that of the current proposal. This would be the applicant's fall-back position.
- 6.10 The single-storey extension would be subservient to the host dwelling in terms of both its position at the rear and its low height. Its footprint is not excessive and amounts to only 56% of that of the original building. This extension would not affect the street-scene. In terms of the permitted development fall-back position, a 4m deep (0.35m reduction on the proposal) full-width extension of slightly lower overall height could be erected.
- 6.11 To summarise in terms of visual impact, it is considered that the proposal would preserve the general character of the application building as a modest, detached bungalow and would not appear obtrusive, out of keeping with, or harmful to the street-scene in Fauchons Close. Appropriate materials are proposed and these would ensure a sympathetic finish to the development.

Residential Amenity

- 6.12 Local Plan Review Policies LPRSP15 and LPRHOU2 state, amongst other things, that extensions should not cause adjoining residents to suffer an unacceptable loss of privacy, outlook or light, visual intrusion or intrusion from noise or odour.

43 Fauchons Close

- 6.13 This bungalow lies to the east of the application site, with its garage beside the boundary adjoining the applicant's garage. There is also a flat-roofed rear extension behind the neighbour's garage, the imperforate flank wall of which is estimated to rise approaching 1m above the top of the boundary fence. The boundary treatment comprises 4 panels of tall, solid timber fencing closest to the rear of the dwellings and, beyond that, lower solid timber fencing with trellis on top. The occupier of this property has objected on the grounds of overshadowing, loss of privacy and overbearing impact.
- 6.14 It is stated that the proposed dormer would overshadow the shower room, toilet and back door windows. However, none of those windows are main habitable room windows and therefore an objection on this basis could not be sustained at appeal. Furthermore, the dormer would be set in 2.5m from the common boundary and

would neither increase the overall ridge height of the application building, nor extend beyond the limit of its existing built envelope (ground floor). Given these points, plus the fact that the rear of 43 Fauchons Close effectively faces south, it is not considered that the dormer would result in a significant detrimental impact on the levels of daylight or sunlight enjoyed by this neighbour. Likewise, the degree of separation and orientation would prevent such a detrimental impact from the barn-hipped gable-end extension, and the degree of separation and low height of the rear extension would avoid a loss of light from that element of the proposal.

- 6.15 Similarly, the degree of separation, the scale of the additions and the juxtaposition of the built forms and the neighbour's windows would prevent the development from being significantly overbearing on 43 Fauchons Close, including its rear garden area.
- 6.16 Concern is raised that the proposed bedroom windows in the dormer would overlook this neighbour's garden and cause a loss of privacy. Undoubtedly it would be possible to see the neighbouring garden from the proposed bedroom windows, however the primary view would be down the applicant's own garden and the angle of view needed to see into the neighbouring garden would be oblique, thus avoiding passive (direct) overlooking, plus any such oblique views would be partially interrupted by the high flat roof of the neighbour's extension, the rear building line of which is positioned significantly beyond the face of the proposed rear dormer (approximately 3.4m). It is not therefore considered that any significantly harmful loss of privacy would occur for the occupiers of 43 Fauchons Close.

47 Fauchons Close

- 6.17 This property is to the west of the application site. The bungalow, which has been extended southwards by way of a side extension and a conservatory, faces east along Fauchons Close. Its garage stands on the common boundary with the application site, directly in front (east) of its side extension and part of the conservatory, and between them and the west flank wall of the application building. Behind (south of) the garage is a pergola. The boundary fencing is low (estimated at approximately 1.2m). The slab level of this property is lower than that of the application site. It is stated in the representation that the difference is approximately 0.6m. The occupier of this property has objected on the grounds of overbearing impact, loss of light and loss of privacy.
- 6.18 It is stated that, in bringing the plane of the side roof slope closer to the boundary with 47 Fauchons Close, the proposed barn-hipped gable-end extension would cause a loss of light to this neighbour's lounge, conservatory, patio seating area and solar panels. However, the lounge window (understood to be on the east-facing elevation of the extension to No 47) is positioned further north than the existing hipped end of the application building, with No 47's garage on the direct line between them. Given the very close proximity of the garage to the window, together with the relatively low height of the proposed barn-hipped gable-end extension and the fact that that would not increase the ridge height of the application building, it is not considered that the development would significantly impact levels of light entering that window. Furthermore, this is only one of three openings serving that room, the others being another window to the rear and a pair of glazed doors into the south-facing conservatory, which is considered to be the primary source of light and outlook. In this context, it is not considered that the proposal would result in a significantly detrimental impact on levels of daylight or sunlight enjoyed in the neighbour's lounge.
- 6.19 The neighbour's conservatory faces south, with the main patio area to the south of it. The proposed development would be to the east at a separation distance of approximately 7m from the conservatory (and beyond the neighbour's garage and pergola). In view of that separation, together with the relatively low height of the proposal (less than 6m even allowing for the difference in levels) and the

orientation, it is not considered that either of those areas would suffer a significantly detrimental impact on levels of light. There are solar panels on the east-facing roof slope of the neighbour's side extension but these are angled upwards to receive the maximum amount of sunlight and so, given the separation distance and the relatively low height of the development, it is not considered that there would be any significantly detrimental impact in that respect either.

- 6.20 Similarly, the degree of separation, the relatively small scale of the proposed additions and the juxtaposition of the built forms (including the neighbour's garage) and the neighbour's main habitable room windows would prevent the development from being significantly overbearing on 47 Fauchons Close, including on its patio seating area.
- 6.21 Concern is raised that the proposed bedroom windows in the dormer would overlook the private amenity space at 47 Fauchons Close and cause an unacceptable loss of privacy. Although it would be possible to see the bottom end of this neighbour's garden from the proposed bedroom windows (obliquely), the primary view obtained would be down the applicant's own garden, thus avoiding passive (direct) overlooking. Moreover, the angle of view needed to see No 47's patio area would be extremely oblique as the face of the dormer would be set further rearward than the conservatory around and beyond which the patio lies. It should also be noted that paragraph 4.72 of the Council's adopted Residential Extensions SPD sets out that *"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."* In this case, due to the layout of 47 Fauchons Close, it is not considered unreasonable to regard the private amenity area as being to the south side of that building rather than to its rear, but even calculating the 5 metres from the southern edge of the conservatory, the angle of view to achieve overlooking from the proposed bedroom windows would still be extremely oblique. It is not therefore considered that any significantly harmful loss of privacy would occur for the occupiers of 47 Fauchons Close.

Summary

- 6.22 To sum up in terms of residential amenity, it is not considered that the proposal would result in a significantly detrimental impact on levels of daylight, sunlight, privacy or outlook for any neighbouring property and it is therefore considered acceptable in respect of this issue. Moreover, there are strong similarities between the application proposal and what could potentially be achieved through the permitted development fall-back position (set out in paragraphs 6.05, 6.09 and 6.10 above), particularly in terms of provision of hip-to-gable extensions and rear-facing dormer windows, and that is a material consideration which adds further weight to that conclusion.

Other Matters

- 6.23 **Parking:** Concern has been raised with regard to insufficient parking provision, however, it has subsequently been clarified that the frontage is to be block-paved to provide off-road parking for three cars, which is sufficient to serve the extended dwelling, particularly given the sustainable location. An amended layout plan has been provided to show this, although planning permission is not required for the laying of the block-paving as it would be a permeable hard-surface.
- 6.24 **Trees/Landscaping:** It is considered that no important trees would be impacted. The loss of an area of front lawn to parking is regrettable, but can be carried out as permitted development in any case, so is not a sustainable ground of refusal. The amended plan shows a proposed planter bed for native shrubs/hedging along the north-west side boundary and details of appropriate planting can be secured by condition.

- 6.25 **Ecology:** Policy LPRSP15 of the Local Plan Review sets out that proposals should *'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'* Due to the nature and relative scale of the proposal and the existing residential use of the site, it is not considered appropriate/necessary to require any ecological surveys. However, the Local Plan Review, the adopted SPD and the NPPF all encourage the enhancement of biodiversity in the interests of sustainable development and consequently, it is considered appropriate to attach a condition requesting that some form of on-site enhancement is provided both integrated into the new building work and also within the curtilage.
- 6.26 **Biodiversity Net Gain:** Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'general biodiversity gain condition'. However, the 'general biodiversity gain condition' does not currently apply in relation to planning permission for a development which is the subject of a householder application, within the meaning of Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), provided such exemption is confirmed by the applicant or agent when making a householder planning permission application. Such confirmation has been provided on the submitted application form and therefore a Biodiversity Gain Plan will not be required.
- 6.27 **The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient building:** The proposals by their nature are extensions to an existing dwelling such that it would be unreasonable to seek to secure such measures which do not accord with the scale of the development. Energy efficiency can be secured through measures such as construction, or renewables or water efficient measures such as water butts. To secure such measures, a condition is considered reasonable to ensure that the development incorporates appropriate measures.

PUBLIC SECTOR EQUALITY DUTY

- 6.28 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 For the reasons set out above it is considered that the proposal would be acceptable and would not cause any significant visual harm or harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. In addition, there are strong similarities between the application proposal and what could potentially be achieved through the permitted development fall-back position and that is a material consideration which adds further weight to that conclusion. Subject to appropriate conditions, therefore, the proposal is considered to be in accordance with current Development Plan and national planning policy and the aims of the design guidance set out in the Council's adopted Residential Extensions SPD.

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 and/or informatives 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:

1558-03, 1558-04 and 1558-05 received on 16/08/2024 and 1558-10 Rev A received on 30/09/2024.

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 unless otherwise approved in writing by the Local Planning Authority and the bricks and roofing tiles shall match those of the existing building.

Reason: To ensure a satisfactory appearance to the development.

- 4) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of ecology on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through at least one method integrated into the design and appearance of the development by means such as swift bricks, bat tubes or bee bricks, and also through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, hedgehog houses and small mammal corridors. The ecological enhancements shall be provided in accordance with the approved details prior to first use of the development and all features shall be permanently retained and maintained thereafter.

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

- 5) The development hereby approved shall not commence above slab level until details of the proposed native planting on the property frontage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) and the details shall include the number of plants of each species, the proposed pot size (in litres) on planting, and their proposed positions and spacing.

Reason: To ensure a satisfactory appearance to the development and to mitigate against the loss of lawn on the property frontage in terms of ecological impact.

- 6) All planting specified in the approved landscape details shall be carried out in the first planting season (1 October to end of February) following the first occupation of the development hereby permitted.

The approved landscaping shall be retained for at least 5 years following its implementation and any plants which, before a period of 5 years from their planting date has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to mitigate against the loss of lawn on the property frontage in terms of ecological impact.

- 7) The development shall not commence above slab level until details of how the proposal hereby approved shall be constructed to secure the optimum energy and water efficiency of the extension 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; The details shall demonstrate that consideration has been given to incorporating small scale renewable energy generation options have been considered first and shall only be discounted for reasons of amenity, sensitivity of the environment or economies of scale, installing new energy efficient products, such as insulation, energy efficient boilers, low energy lighting shall be considered as a secondary option if the use of renewables has been demonstrated to not be appropriate.

Reason: To ensure an energy efficient form of development.

INFORMATIVES

- 1) Details pursuant to Condition 4 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/>
- 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 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

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of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Angela Welsford

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