

APPLICATION: MA/09/0106 Date: 26 January 2009 Received: 9 February 2009

APPLICANT: Mr P Janion

LOCATION: 3, GREEN LANE, LENHAM, MAIDSTONE, KENT, ME17 2NT

PROPOSAL: Erection of a two storey rear extension and ground floor side extension as shown on drawing numbers 08/054-005A, 08/054-006A & 08/054-007A received on 26/01/09 and 08/054-001A received on 09/02/09.

AGENDA DATE: 2nd April 2009

CASE OFFICER: Angela Welsford

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

- It is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18.

Kent & Medway Structure Plan 2006: SP1, QL1.

Village Design Statement: Not applicable.

Government Policy: PPS1 - Delivering Sustainable Development.

Other: Kent Design;

Planning Guidance Note 10 - Residential Extensions.

RELEVANT HISTORY

92/0458 - Single storey rear extension (APPROVED)

SITE HISTORY CONSIDERATIONS

A similar first floor extension exists at No 7 Green Lane (approval ref. 98/1536).

CONSULTATIONS

LENHAM PARISH COUNCIL: Wishes to see the application refused as this is an overlarge development.

REPRESENTATIONS

Neighbours: Letters of objection have been received from 3 neighbouring properties, raising the following issues –

- Loss of light/overshadowing;
- Loss of privacy;
- Layout and density disproportionate to other neighbouring houses;
- Size and scale of extensions out of keeping with existing house;
- Obstruction of neighbours' satellite dish;
- Loss of off-street parking;
- Proximity of building works to adjacent properties;
- The houses are all identical and extensions spoil appearance.

CONSIDERATIONS

The Site

This application relates to the right-hand one of a semi-detached pair of dwellings located within the Platts Heath village envelope, which falls within Lenham parish. There is an existing single storey rear extension with mono-pitched roof (permitted 1992), and a detached prefabricated single garage in the rear garden, behind the car port at the side of the building. The attached neighbour to the north (No 1) has a rear conservatory and first floor bedroom window closest to the common boundary, which is marked by a low fence. The neighbour to the south (No 5) has an attached garage beside the boundary, with what is understood to be a study area behind, lit by patio doors on the rear (east) elevation. The boundary fence here is also low (approximately 1m).

The Proposal

Planning permission is sought for the erection of what would effectively be a first floor rear extension above the southern half of the existing ground floor rear extension, plus the erection of a single storey side extension running right along the side of the house and projecting approximately 6.2m beyond the rear building line of the existing rear extension. The first floor extension would project approximately 3.8m (the same as the existing ground floor extension), and would be set in 2.6m from the common boundary with No 1.

Planning Considerations

Since the majority of the development would be to the rear of a dwelling within the village envelope, (only the front elevation of the single storey side extension would be visible from Green Lane), in my view the main issue for consideration by Members is the effect on the amenity of neighbouring occupiers.

The occupants of No 1 (attached, to the north) have objected on the grounds of loss of light/overshadowing of their adjacent bedroom window, conservatory and patio area. I have carried out a loss of light test in accordance with a method recommended by the Buildings Research Establishment "Site layout planning for daylight and sunlight – A guide to good practice" to check the impact of the proposal on the daylight and sunlight reaching the adjacent windows of No 1, which lies to the north of the application site. This has shown that, due to the degree of set-in, (2.6m, which exceeds the 2m recommended in the Council's residential extensions guidelines), the proposed first floor extension would not significantly affect the daylight or sunlight reaching the first floor bedroom window. On the ground floor, the conservatory would not be significantly affected by either element of the proposal – the side extension would not be tall enough to have a significantly adverse impact, whilst the first floor extension would not project far enough, and since the patio area is further from both these elements than the conservatory, it would not be significantly harmfully affected either. Any overshadowing of the dining room, which lies beyond the conservatory, appears to already result from the presence of the existing single storey rear extension and, for the reasons already outlined above, I do not consider that the extensions now proposed would significantly increase this to such a degree as to justify a refusal of planning permission that could be sustained at appeal.

No 5 (non-attached) lies directly to the south of the application site. It is also situated on slightly higher ground (approximately 0.6m difference). I consider that these two factors, together with the fact that the rearward projection of the side extension would be no greater than that of the existing garage, would mean that the property would be unlikely to suffer a significant loss of light, notwithstanding that the ridge would be slightly higher and that the gap of just over a metre between the existing garage and rear extension would be infilled. The north-facing flank windows of No 5 serve a landing and w.c. which do not constitute habitable rooms, so the impact on these is considered acceptable.

To conclude with regard to loss of light, therefore, I do not consider that the impact of the proposal would cause sufficient harm to justify a refusal of planning permission that could be sustained at appeal.

Although the rearward projection would exceed 6m, the single storey nature of the structure, with the roof pitching away from the neighbour, and the fact that it would be on lower ground, would not, in my view, render it significantly overbearing on the occupants of No 5. The degree of set-in from the boundary would ensure that there would not be a significantly overbearing impact on the occupants of No 1.

Turning to loss of privacy, no significant overlooking would occur since no side-facing windows are proposed at first floor level, and the rear-facing one would afford much the same view as the existing windows. Any new side-facing upper-floor windows would have to be obscure-glazed and non-opening below 1.7m above internal floor level if installed as permitted development, so no conditions are necessary in this

respect. Although a glazed door and a window are proposed at ground floor level facing No 1, I do not consider that these would result in a significant loss of privacy to their patio or conservatory since similar views can already be obtained from the garden of the application site in any case due to the nature of the boundary treatment. No windows are proposed facing No 5 so there would be no loss of privacy to that property.

Considering other matters raised as a result of consultation:-

- The scale and design of the proposal would relate acceptably to those of the existing dwelling and would not overwhelm or destroy its original character, especially since the majority of the development would be to the rear.
- The only part of the development that would be visible within the street-scene would be the garage, which would appear subservient and acceptable. All the rest of the development would be to the rear, so is considered acceptable.
- The proposal would not increase the number of bedrooms, which would still be three. Two parking spaces would remain (garage plus drive) which meets the parking standard requirement for a three-bedroom property.
- The fact that the development may obstruct the neighbours' satellite dish is not a planning consideration, and so cannot be given any weight.
- The planning aspects of the development being in proximity to neighbouring properties have been considered above; issues relating solely to the carrying out of the building works would be covered by separate legislation and are not planning considerations.

Conclusion

Taking all of the above into consideration, the proposal is considered to comply with Development Plan policy and there are no overriding material considerations to indicate a refusal. Consequently, I recommend approval with conditions as set out below.

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 materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy QL1 of the Kent & Medway Structure Plan 2006 and Policy H18 of the Maidstone Borough Wide Local Plan 2000.

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 Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.