

APPLICATION: MA/10/1477 Date: 24 August 2010 Received: 25 August 2010
APPLICANT: Miss T Garner
LOCATION: 127, LONDON ROAD, MAIDSTONE, KENT, ME16 0HF
PARISH: Maidstone
PROPOSAL: Erection of a single storey rear extension as shown on plan number 2009/07/1, block plan, site location plan and application form received 25 August 2010 and supporting statement received 13th March 2012.
AGENDA DATE: 29th March 2012
CASE OFFICER: Kevin Hope

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

- A council officer is the applicant.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H18
- South East Plan 2009: BE1, CC1, CC6
- Government Policy: PPS1, PPS3
- Other: MBC Residential Extensions Supplementary Planning Document 2009

2. HISTORY

- 55/0364/MK1 – Formation of vehicular access – Approved with conditions
- MA/85/1822 - First floor side extension - Approved

3. CONSULTATIONS

3.1 None

4. REPRESENTATIONS

4.1 One representation has been received raising the following points:-

- Drainage from the proposed extension.

- Impact upon the existing fencing at boundary with 125 London Road.
- Details of works to the existing retaining wall.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site refers to a semi detached property cox-style dwelling that occupies a rectangular shaped plot of land. The property is set back from the road by approximately 9m and is set on a higher level than London Road by approximately 1.5m. The property has driveway extending to the side of the property and a front parking area providing parking provision for at least three vehicles. There is also a planted area to the front boundary of the property providing some screening within the streetscene. To the rear, the garden extends approximately 37m and also has a sloping topography rising to the rear south west facing boundary with a change in levels of approximately 1.5m. There is a retaining wall of approximately 1m in height constructed of railway sleepers forming border between the patio area and the planted garden. There is a single storey rear kitchen element of the dwelling which projects approximately 2.2m from the rear elevation of the property. This is a characteristic of this area and is an original part from the original construction of the dwelling.

5.1.2 The surrounding area has a consistent pattern of development with approximately 3.5m retained between dwellings. There is also a consistent building line along this part of London Road with dwellings typically set back 9m. The application site is within the urban area of Maidstone and does not fall within any other specially designated economic or environmental area, as shown by the Maidstone Borough-Wide Local Plan 2000.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of a single storey rear extension. This would project approximately 5.7m to the rear of the existing rear elevation and would measure approximately 7m in width. The proposed extension would have a pitched roof with an eaves height and ridge height of approximately 2.7m and 3.8m respectively.

5.2.2 The proposed extension would provide an additional ground floor bedroom and a kitchen extension. The bedroom would provide ground floor accommodation for the applicant's disabled son. The extension has been designed with this in mind and only an extension of this width would allow for the provision of two turning

circles to be installed increasing mobility for him as well as accommodating, storage, a bed and moving space that would be expected within a bedroom.

5.3 Principle of Development

5.3.1 In principle, household extensions are considered acceptable within the urban area of Maidstone subject to its scale, design and its impact upon the surrounding area. This is outlined within policy H18 of the Maidstone Borough Wide Local Plan 2000 and the Residential Extensions Supplementary Planning Document 2009 as shown below:-

Policy H18:-"EXTENSIONS AND ADDITONS TO RESIDENTIAL PROPERITES WILL BE PERMITTED PROVIDED THAT THE PROPOSAL:

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

5.3.2 The Residential Extensions SPD also provides guidance on rear extensions within paragraphs 4.8 to 4.13. This document states that:-

- *"In the case of semi-detached or terraced properties, rear extensions should not normally exceed 3m in depth from the rear of the property and, in the case of single storey development and overall height of 4m".*
- *"The eaves height of single storey extensions within 2 metres of a boundary should be no more than 3 metres above the existing ground level".*
- *"To protect against overlooking, the side wall facing a neighbour should not normally contain a window unless it maintained privacy by, for example, containing obscure glazing or being non-opening".*

5.3.3 I will consider these points under sections 5.4 and 5.5 below.

5.4 Visual Impact and Design

5.4.1 With regard to the impact of the development upon the existing dwelling, the proposed rear extension would project approximately 5.7m from the existing rear elevation, I note that the MBC Residential Extensions SPD states that rear

extension should not project more than 3m from the existing rear elevation for a property of this type. However, I consider in this case that by virtue of its single storey scale, its modest eaves height below the height recommended within the SPD, its modest ridge height also below the height recommended within the SPD and the existing footprint of the dwelling, the proposed extension would not overwhelm the existing dwelling or result in any significant harm to its character or appearance.

- 5.4.2 It is also stated within the application details that 'in keeping' external materials would be used in the construction of the development. However, to secure this, a matching materials condition shall be imposed which would further reduce the visual impact of the proposed development. I therefore consider that this proposal is in accordance with criterion (1) of policy H18 of the Maidstone Borough Wide Local Plan 2000 and the guidance within the Residential Extensions SPD 2009.
- 5.4.3 With regard to its impact upon the streetscene, the proposed extension would extend beyond the side elevation of the property approximately 0.8m. However, due to the single storey scale of the proposed extension, its siting to the rear of the dwelling and its distance from the road of approximately 20m, I consider that there would not be a significant impact upon the character or appearance of the streetscene to the front.
- 5.4.4 In terms of the impact upon the pattern of development, by virtue of the single storey scale of the proposal and its siting to the rear of the dwelling, I do not consider that this proposal would represent any significant harm to the pattern of development within this area. In addition, whilst I acknowledge that the proposed extension is in excess of the recommended scale for rear extensions as stated within the Residential Extensions SPD, a number of the properties within the surrounding area of Allington have been subject to rear extensions of a similar scale and design. As such, this proposal would not be significantly out of keeping with the scale of existing dwellings and additions within this locality.
- 5.4.5 I therefore consider that this proposal is in accordance with criterion (2) of policy H18 of the Maidstone Borough Wide Local Plan 2000 and the guidance within the Residential Extensions SPD 2009.

5.5 Neighbouring Amenity

- 5.5.1 With regard to neighbouring amenity, a BRE 45° light test has been conducted in order to assess the impact upon the available light to the adjoining property 125 London Road. The light test compiles two components being an elevational test and a floor plan test. The results of the floor plan test show that the proposed extension is likely to have an impact upon the light to the rear dining room

window (which comprise and set of double doors measuring approximately 2.6m in height) within the south western elevation. However, the results of the elevational test show that there is unlikely to be a significant impact upon sunlight to this window. The BRE guidelines state that should a proposed development fail both tests, then there is likely to be a significant loss of that to that property. In this case, the proposal has failed only the floor plan test. In addition to this, the orientation of the site facing south west is such that a significant level of light would be retained to the rear of 125 London Road and the dining room window. As such, I do not consider that there would be a loss of light to this window which would be significant enough to warrant a refusal of planning permission of this ground.

- 5.5.2 With regard to privacy and overlooking, there are no windows proposed within the south east facing side elevation of the proposal. Instead, two roof lights are proposed within the south east facing roof slope, however I do not consider that these windows would afford significant views of the neighbouring property. By virtue of this and the single storey scale of the proposal, there would not be a significant loss of privacy to 125 London Road. With regard to the impact upon outlook, due to the modest eaves and ridge heights of the proposal, I do not consider that there would be a significant loss of outlook to 125 London Road.
- 5.5.3 With regard to other matters raised within the representation received, comments have been received with regard to the drainage from the proposed extension. These comments contest the suitability of a soak-away drainage system at this property. This matter is covered under building control legislation. Comments have also been raised with regard to the impact of the extension upon the existing boundary fencing between the application site and 125 London Road. The submitted plans show a distance of approximately 0.15m between the side of the extension and the boundary fencing and therefore adjacent to the fencing line. In any case, this issue is a civil matter and not something that can be considered within this application. Lastly, comments have also been raised with regard to details of works to the existing retaining wall within the rear garden of the application site. At present there is a retaining wall constructed of railway sleepers which provides a border between the existing patio and rising land of the rear garden. As a result of the proposed extension, minor works may be required to this due to the topography of the site. However, I do not consider that this is significant enough to warrant an engineering operation requiring planning permission and therefore, such details are not required as part of this planning application.
- 5.5.4 Due to its siting approximately 3.5m to the south east of 129 London Road and modest scale, the proposed extension would not have an impact upon the amenity of 125 or any other neighbouring property including a loss of light, outlook, privacy or overshadowing. Therefore this proposal is in accordance with

criterion (3) of policy H18 of the Maidstone Borough Wide Local Plan 2000 and the guidance contained within the Residential Extensions SPD 2009.

5.6 Highways

5.6.1 In terms of the impact upon parking, the location of the proposed rear elevation is such that it would not encroach on to the existing parking area. As such, parking provision for at least three vehicles would be retained within the front driveway of the application dwelling. Therefore this proposal is in accordance with criterion (4) of policy H18 of the Maidstone Borough Wide Local Plan 2000.

5.7 Landscaping

5.7.1 This application does not include the provision of a landscaping scheme as part of this proposal. However, due to the existing soft landscaping within the rear garden of the site, I do not consider this to be a significant issue in this case.

5.8 Ecology

5.8.1 The application site is a well maintained residential plot with a cut grass area and border planting and a patio area currently in the place of the proposed rear extension. As such, I consider that there would not be any significant ecological issues as a result of this proposal.

6. CONCLUSION

6.1 In conclusion, I consider that the proposal is therefore acceptable with regard to the relevant provisions of the development plan and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

7. 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 extension hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and policies BE1, CC1 and CC6 of the South East Plan 2009.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan number 2009/07/1, block plan, site location plan and application form received 25 August 2010 and supporting statement received 13th March 2012.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and policies BE1, CC1 and CC6 of the South East Plan 2009.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.