

APPLICATION: MA/08/2315 Date: 21 November 2008 Received: 3 June 2009

APPLICANT: Ms C. O'Sullivan

LOCATION: ORCHARD HOUSE, 6, KINGS ROAD, HEADCORN, ASHFORD, KENT, TN27 9QU

PROPOSAL: Erection of a two storey rear extension as shown on drawing numbers 1418.1 and 1418.2 received on 24th November 2008, Tree Survey received on 9th April 2009 and drawing nos. 1073/09/1revA, 2revA and 3revA received 3rd June 2009 and letters received from the applicant on 14th June 2009.

AGENDA DATE: 2nd July 2009

CASE OFFICER: Katie Lazzam

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

- It is contrary to views expressed by Headcorn Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: None
Kent & Medway Structure Plan 2006: QL1, NR11, EN9
South East Plan 2008: CC1, W2, M1, NRM4, NRM7, C4
Village Design Statement: None
Government Policy: PPS1, PPS3

PLANNING HISTORY

MA/98/0128- Certificate of Lawful Development for the mixed use of the property as a dental surgery and residential. APPROVED

CONSULTATIONS

Headcorn Parish Council were consulted and raised the following objections to the proposal:-

"Please be advised that my Council wishes to see the application refused due to it being overdevelopment of the site, the extension would also have a detrimental effect upon the mature Oak in the vicinity. It must also be noted that Headcorn is served by 3 separate dental practices".

MBC Landscape Officer (28/04/2009): Confirmed that the application should be APPROVED with Conditions and made the following comments:-

"The information provided within the Tree Survey from Tom La Dell dated March 2009. The report identifies two mature Oaks along the boundary which may be affected by the proposed two storey extension. It is important to note that both these trees are subject to TPO No 9 of 1989.

The Root Protection Areas (RPA) have been identified on drawing 1073/09/2, and it is evident that the proposed extension will encroach over 20% of the crown spread. However detailed notes on how to prevent damage from occurring during the construction are outlined in section 3 - Tree protection during construction.

Within the same section it states some pruning will be required to accommodate the new extension. As both trees are subject to Tree Preservation Order a detailed work specification will be required.

If you are minded to approve this application the following conditions should be attached:

1: When working within the RPA then the construction techniques as described in section 3 of the tree survey are adhered to at all times.

2: A detailed work specification is submitted explaining which limbs will be pruned in order that no limbs come into contact with the new extension. Excessive work will have a detrimental effect in terms of amenity value on the tree."

REPRESENTATIONS

Neighbouring occupiers were notified of this application and 3 letters of objection were received. Summary of objections:-

- Concern about proximity of new building work to the existing protected Oak tree
- Concern of proximity of extension to neighbouring buildings
- Loss of light to surrounding properties
- Concern for additional parking burden
- Poor design and too large for the plot

CONSIDERATIONS

Site and surroundings

The application site relates to a dental practice located at Orchard House, 6 Kings Road, which lies within the village envelope of Headcorn. The property is located on the southern side of Kings Road, immediately to the east of 'Days Green' a public recreation area (owned by the Parish Council) and is clearly visible from it. The site contains a detached two-storey building, with a detached single garage. The garage is located to the rear of the main building, 5.5 metres away to the south. In between the two buildings a small courtyard garden is located on a rectangular shaped plot and there is an access to the garage on the eastern side of the plot. The main building has

bay windows within the ground floor front elevation and a gabled roof. The materials used for the property consist of redbrick for the exterior walls and tiling for the roof. To the rear of the garage, to the south there are two mature Oak trees covered by TPO No 9 of 1989. The vicinity is characteristic of a residential area and the street comprises a variety of different dwelling styles, ages and sizes. There are dwellings to the east and south and there is also a primary school located opposite the site, to the north.

Proposal:

The proposal involves the erection of a two-storey rear extension. The purpose of the extension is to improve the facilities at the surgery, although the amount of surgeries isn't increased.

The extension would provide a toilet, a disabled toilet and extended waiting room and reception area at ground floor level. A shower room, staff room and extended store at first floor level. Space would also be provided in the hallway for a disabled lift to enable access to the first floor. The alterations to the building are changes that are necessary for compliance with the Disability Discrimination Act.

It is also the applicant's intention to create a dental practice that would allow for more specialised dental work at the site rather than forcing patients to travel to Ashford or elsewhere as is currently the case.

The extension would be 4.4 metres in depth and 8.7 metres wide. It would be set in from the eastern boundary by 2.7 metres and extend beyond the western flank elevation by 1.8 metres. The extension would be 9 metres high from the highest point, and would be the same eaves height as the main dwelling. It would be set down from the ridge by 0.3 metres from the eastern elevation and 1.6 metres from the western elevation. The materials are proposed to match those of the existing property. There is one window within the ground floor of the western elevation that faces the recreational area, one first floor window serving a toilet within the rear elevation and one first floor window serving a staff-room within the eastern flank elevation.

Planning Assessment:

The main issues to consider in relation to this application are design/impact on visual amenities, any potential impact on protected trees, impact on neighbouring properties and other issues.

Design / Impact on Visual Amenities

The design and appearance of the proposal is considered to be of an acceptable standard, as it would be located to the rear of the property and is an appropriate scale in relation to the host building. It would look subservient to the main dwelling and would appear as an extension to the property. The extension would only be 4.4 metres

in depth, and the roof would also be set down from the main dwelling. The alterations would be of an acceptable standard, being in-keeping, reflective of the property's design style and following the same form. It is therefore not considered that the proposed extension would have any significant impact upon the character or appearance of the existing building.

Headcorn Parish Council objects to the application because the proposals are considered to be overdevelopment of the site. It is not considered that the loss of amenity space would be of any significant concern. This is because the building relates to a dental practice and contains no residential element. Therefore it is not reasonable or necessary to require amenity land for this non-residential use.

The extension would be built within close proximity to the property boundary on the western side, however, the area directly adjacent to this side is a section of recreational ground. Although it is appreciated that this part of the extension would be more sympathetic if it was in-line with the existing western flank building line, it is not considered to be significantly harmful, as it only extends by approximately 1.6 metres, and provides some visual interest.

The side of the extension would be visible from long views across the recreation ground, however the extension would not look unduly incongruous as the projection beyond the side elevation is minimal and the extension is to the rear. The property does not form part of any regular or uniform building pattern within the street and would also not harm views down the street. It would also not harm the visual separation of the dwellings or the character of the street in general. The proposal site is also not within close proximity to any listed buildings or Conservation Areas.

Potential Impact on Protected Trees

Headcorn Parish Council objects on the grounds that the extension would have a detrimental effect upon the closest mature Oak tree.

There are two trees within the locality that are subject to TPO No 9 of 1989 and that would be potentially affected by the development. As a consequence, an arboricultural assessment was requested from the applicant. The trees are however both located outside the confines of the application site.

The submitted report relates to two mature Oak trees close to the site of the extension. The Root Protection Areas (RPA) have been identified on drawing 1073/09/2revA, and it is evident that the proposed extension will encroach over 20% of the crown spread of the closest protected tree. Some pruning of this tree will be required to accommodate the new extension. The arboricultural report notes however, that the branch it will be necessary to prune-back was in fact cut-back some years ago and has subsequently re-grown.

In addition, detailed notes on how to prevent damage from occurring during the construction are outlined in section 3 of the arboricultural report. The recommended

measures include minimal excavation and the use of pile and beam foundations. To protect the soil, the concrete slab is to be retained until the piles (which will be sited way from large tree roots) and ground beams have been installed. The slab will only be removed if necessary and the development constructed with a suspended floor. Several other tree protection measures are also proposed relating to any fencing to be provided. It is considered that these would be sufficient to protect both of the trees.

The Landscape Officer raises no objection to the proposals subject to the imposition of conditions requiring a detailed work specification in relation to pruning and that construction techniques as described in section 3 of the tree survey are adhered to at all times.

Impact on Neighbouring Properties

When considering whether the proposal would have any significant impact on the amenity of neighbouring properties, any loss of sunlight/daylight, privacy, and outlook all need to be taken into account. It is not considered that there would be any loss of light to the adjoining property to the east at No.12 Kings Road, as the proposal passes the loss of light calculations in accordance with the BRE Guidelines. There is one window proposed within the first floor of the eastern elevation, which would serve the staffroom. It is not considered that this window would result in any significant overlooking, as there are no windows within the flank facing wall of the nearest adjoining property at No.12 and there is an access road and garage in between the window and the private garden area of this property, creating a distance of at least 17 metres. It is therefore not considered that this window would result in any significant overlooking issues. The only proposed first floor window within the rear elevation would serve a shower room. As the distance between this window and No.'s 8 and 10 Kings Road, which are located to the south and rear of the site, is around 15m the window could be obscure glazed by means of an appropriate condition. In addition, there is a garage located to the rear of the properties within the garden of the site which partially obscures views of the adjoining site. With regards to the ground floor western flank elevation window, this would overlook the public recreation area. Therefore there would be no significant loss of privacy.

Other Issues

With regards to highway and parking related issues, no additional surgery rooms are proposed. Therefore there would not necessarily be an increase in visitors as a result of the extension. Although there are no active off-road parking facilities provided for this site, this is not considered to be unacceptable in this location. This is because the site is located on a mixed use street within the village, which has on-street parking at present. The practice essentially serves local people, which should be able to access the site without the use of a vehicle.

As the site is within a flood zone 2, flood protection should be taken into consideration. The existing area of land to be constructed upon is hardstanding, therefore it is not considered that there would be any significant impact as a result of the proposal. The applicant has completed the Environment Agency flood prevention form. This does not raise any issues that would warrant refusal of a specific condition.

Headcorn Parish Council also objected because it was noted that Headcorn is served by 3 separate dental practices. However competition/supply is not a material consideration that can be taken into account in the determination of this application.

Conclusion:

For the reasons set out above, it is therefore considered that the proposal is acceptable with regard to the relevant provisions of Maidstone Borough-Wide Local Plan 2000 and with those within the Kent and Medway Structure Plan 2006, and Members are therefore recommended to give this application favourable consideration, subject to the imposition of suitable safeguarding conditions.

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 building 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.

3. When working within the Root Protection Areas as shown on drawing No. 1073/09/3revA received on 3rd June 2009 the construction techniques as described in section 3 of the arboricultural report received on 9th April 2009 (prepared by Tom La Dell) should be adhered to at all times except with the prior written approval of the Local Planning Authority.

Reason: To ensure that no harm is caused to the protected trees during construction of the extension in accordance with Policy EN9 of the Kent & Medway Structure Plan 2006.

4. The development hereby permitted shall not be commenced until a detailed work specification for works to the oak tree has been submitted to and approved by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved specification unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no harm is caused to the protected trees during construction of the extension in accordance with Policy EN9 of the Kent & Medway Structure Plan 2006

5. Before the development hereby permitted is first occupied, the proposed windows to the south facing first floor shower room shall be obscure glazed and 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 existing and prospective occupiers pursuant to policy QL1 of the Kent & Medway Structure Plan 2006.

6. No additional windows, voids or other openings shall be inserted, placed or formed at any time in the first floor south facing wall of the extension hereby permitted;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers, pursuant to policy QL1 of the Kent & Medway Structure Plan 2006.

Informatives set out below

Excessive work on the protected trees will have a detrimental effect in terms of amenity value on the trees and needs to be reduced to the minimal possible so that the works do not have an impact on the visual amenity of the trees.

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.