

APPLICATION: MA/12/1691 Date: 14 September 2012 Received: 2 October 2012

APPLICANT: Mr Robin Turner

LOCATION: FORGE HOUSE, WINDMILL HILL, ULCOMBE, MAIDSTONE, KENT, ME17 1LP

PARISH: Ulcombe

PROPOSAL: Erection of part two storey part single storey side and rear extension and front porch as shown on drawing numbers 30, 32, 33, 34, 35, 36 & 37 received on 14/09/12.

AGENDA DATE: 16th May 2013

CASE OFFICER: Angela Welsford

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

- It is contrary to views expressed by Ulcombe Parish Council.

1. **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, H33
Government Policy: The National Planning Policy Framework.

2. **HISTORY**

None relating to the cottage. The following application relates to the land to the rear of the plot:-

MA/10/1569 Change of use of land from agriculture to the keeping of horses, erection of stables, hay barn and storage building – APPROVED

3. **CONSULTATIONS**

- 3.1 **Ulcombe Parish Council:** Wishes to see the application approved and requests it is reported to Planning Committee if refusal is recommended *“because the parish council feels strongly that this house should be updated with modern facilities and that the proposal will complement the 19th century terrace of which it is a part”*.

4. REPRESENTATIONS

- 4.1 One representation of **objection** received from the occupiers of "Wheelwrights" on the grounds that the side extension would overshadow and block out light to the velux roof lights that serve their bedrooms.
- 4.2 Three representations of **support** received from neighbouring occupiers on the following (summarised) grounds:-
- The proposal is in keeping as the other cottages in the terrace have all been extended;
 - The applicants have enhanced the area by clearing land at the rear of the properties and repairing the access track;
 - The proposals will create a good family home;
 - The proposals will improve appearance of the area;
 - The cottage needs updating – it has no bathroom.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located in open countryside in Ulcombe parish. It is a residential plot containing an end-of-terrace, two-storey cottage with brick elevations and a slate roof. To the rear is a single-storey brick lean-to with corrugated roof that houses the w.c. Apart from this small addition, the cottage has never been extended and retains its original two-up, two-down form. I understand that it does not currently have a bathroom, other than a makeshift arrangement that the applicants have improvised in one of the bedrooms.
- 5.1.2 It is the end one of a terrace of five. The attached cottage, to the south, (no. 2 Fairbourne Heath Cottages), has an existing full-width two-storey rear extension with single-storey lean-to extension beyond, beside the common boundary.
- 5.1.3 The non-attached neighbouring dwelling, to the north, is a bungalow known as "Wheelwrights". The only two bedrooms of that property are on the southern side, beside the common boundary. The source of light for each of those bedrooms is a rooflight on the southern roofslope, facing the application site.

5.2 Proposal

- 5.2.1 Planning permission is sought to erect a part two-storey, part single-storey side and rear extension and a front porch, all built from matching materials.

- 5.2.2 The two-storey part of the side extension would have a maximum width of 2.5m, narrowing to 2.1m after the first 3m. The total depth of this section would be the same as that of the existing cottage (7.2m). The fully-hipped roof would be a continuation of that of the existing cottage.
- 5.2.3 Behind that two-storey section would be a single-storey, lean-to element 2.4m deep by 1.8m wide.
- 5.2.4 The two storey part of the rear extension would have a footprint of 5m wide by 3.7m deep, beneath a fully hipped roof. Beyond that would be a single-storey lean-to element 4.8m wide by 1.7m deep.
- 5.2.5 The porch would have a footprint of 2.1m wide by 1.2m deep, and would have a gabled roof. (All of the above dimensions are approximate).
- 5.2.6 The extended cottage would provide a lounge, kitchen/dining room, utility room, w.c., playroom and entrance lobby on the ground floor; and three bedrooms, a family bathroom and an en-suite on the first floor.

5.3 Principle of Development

- 5.3.1 The site is located in open countryside where new development is generally controlled and restricted to that which is modest, essential and justified. However, as an exception to that general theme of restraint, extensions to rural dwellings can be permissible under the terms of Local Plan Policy H33, subject to their having an acceptable impact on the visual amenity, character and openness of the countryside, and on the residential amenity of neighbouring occupiers. These matters will be discussed below, but in principle the extension of this property is acceptable.

5.4 Visual Impact

- 5.4.1 Although the two-storey side extension would not be set back from the front building line and would not have a lowered ridge line, as recommended in the Council's adopted residential extensions guidelines, due to its modest width, and the use of sympathetic materials and detailing, in my view it would not overwhelm or destroy the form or character of the original cottage. Indeed, as this cottage forms part of a terrace of five, I actually consider the continuation of the original features to be more appropriate, in design terms, to the overall built form.
- 5.4.2 The rear two-storey extension would have a dropped ridgeline and would be subordinately positioned, so would appear subservient to the original cottage, as would the single-storey elements. The porch is appropriately scaled and

designed, and would not be out of keeping as the other four cottages all have porches.

5.4.3 The cottage has not previously been extended and is in need of modernisation, (there is currently no bathroom and the only w.c. is downstairs). In my view, the development now proposed would not appear incongruous in the countryside, nor cause harm to its rural character or openness – the dwelling is located at the end of a terrace, with another building to its north, thus the new built form would be positioned between existing built form, and would not extend development into the open countryside.

5.4.4 I therefore find the visual impact of the proposals to be acceptable.

5.5 Residential Amenity

2 Fairbourne Heath Cottages

5.5.1 The attached property, no. 2 Fairbourne Heath Cottages, has a two-storey rear extension beside the boundary, with a single-storey element beyond. The proposed rear extension has been designed in the same way, such that it would sit alongside the neighbours' extension, and consequently it would not have any significant impact on their daylight, sunlight or outlook.

5.5.2 Although the new window to Bedroom 1 would be set 3.7m further to the rear (east) than the existing bedroom window, the single-storey extension at no. 2 would project beyond that, thus partially obstructing views, and on balance I do not consider that the impact on the privacy of the occupiers of that property would be so different as to justify a refusal of planning permission that could be sustained at appeal. I note that, far from objecting to the application, the occupier of no. 2 Fairbourne Heath Cottages has written in support.

Wheelwrights

5.5.3 "Wheelwrights", the bungalow to the north, has two rooflights in its southern flank elevation, facing the application site. These each serve a bedroom and are the only sources of light, ventilation and outlook to those rooms. The foremost rooflight serves the main bedroom and is set opposite the flank wall of the application building. During my site visit I entered this bedroom and saw that the top part of the flank wall and the eaves of "Forge Cottage" can currently be seen, as well as a reasonable amount of sky. The rearmost rooflight serves the other bedroom. The front edge of this is roughly level with the rear corner of "Forge House", (two storey part). Again, I entered this bedroom, and could just see the rear corner of the wall and eaves, and a good amount of sky.

- 5.5.4 The proposed two-storey side extension would bring the application building 2.5m closer to the bungalow, which itself stands close to the boundary, thus reducing the gap between the two by approximately 60%. Although the new flank wall would be staggered, to maintain an access gap of approximately 1m, the eaves line would be continuous, with a greater degree of overhang (600mm) at the rear than at the front (200mm). Consequently, the edge of the roof would only be 400mm from the boundary at the closest point. In my view, this would have a significant impact on the daylight and sunlight currently reaching the bedrooms of "Wheelwrights". "Forge House" is located to the south of the bungalow. The extension would be a full two-storeys, plus the roof, resulting in considerable massing to the boundary. This, in conjunction with the proximity and juxtaposition of the two buildings, would result in an unacceptable loss of light.
- 5.5.5 The BRE guidelines do not set out a specific loss of light test for this scenario, involving rooflights in a bungalow facing a two-storey extension to a dwelling. However, I have carried out some calculations based on the basic test of whether the extension subtends an angle of more than 25° to the horizontal, from the centre of the opening, in plane perpendicular. These show that the existing building at "Forge Cottage" subtends an angle of 26°, which suggests that it could already have some slight impact on the daylight/sunlight enjoyed by the bedroom, particularly the main bedroom, consistent with what I saw during my site visit. The two-storey side extension, however, would subtend an angle of 43°, which is considerably more than 25°, and suggests, therefore, that it would have a significantly greater effect on the light reaching the bedrooms, and especially the main bedroom. As stated, this test does not carry the same weight as that set out in the Council's adopted residential extensions guidelines, but nevertheless it does indicate that the proposal would have a significant impact on light, and adds weight to my overall conclusion that the two-storey side extension, by reason of its height, proximity and massing to the boundary, and the juxtaposition of the two dwellings, would result in an unacceptable loss of daylight/sunlight to the bedrooms of "Wheelwrights" harmful to the reasonable enjoyment of that property by its occupiers. For this reason planning permission should be refused.
- 5.5.6 The two-storey rear extension would similarly have some impact on light reaching the rearmost rooflight, and would thus exacerbate the harm caused to the second bedroom by the two-storey side extension. However, if the side extension were to be reduced to single storey, in isolation, I do not consider that the impact of the two-storey rear extension would be sufficient to justify a refusal. Neither of the single storey elements, nor the porch, would affect the light or outlook of "Wheelwrights".

5.5.7 In my view, if the side extension were reduced to a single storey, the development would be acceptable. I have suggested this to the applicants and whilst I fully understand their desire for an upstairs bathroom and a third bedroom, I do believe that both of these could still be achieved simply through a first floor rear extension if the layout was amended and the size of the bedrooms reduced. There is currently a lot of wasted space in the hallway area, and the en-suite is larger than the family bathroom. I believe a more modestly designed scheme could still achieve three bedrooms and a bathroom without the need for a first floor side extension.

5.5.8 In terms of privacy, there is currently a secondary bedroom window and a staircase window at first floor level in the flank of the application building, and the proposal would result in the loss of these, such that there would not be any side-facing openings. Consequently, there would be reduced potential for overlooking.

5.6 Highways

5.6.1 The development would not have any impact on the highway. No parking spaces would be lost as a result of the development.

5.7 Other Matters

5.7.1 I acknowledge that the cottage does need updating in order to provide modern sanitary facilities, but I am not persuaded that the proposal scheme is the only means of achieving this.

6. CONCLUSION

6.1 Taking all of the above into account, I conclude that the proposals do not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance as the proposed two storey side extension would have an unacceptable impact on the residential amenity of the occupiers of the neighbouring bungalow. I therefore recommend that Members refuse planning permission for the reason set out below.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reason:

1. The proposed two-storey side extension, by reason of its height, proximity and massing to the boundary, and the juxtaposition of the two dwellings, would result in an unacceptable loss of daylight/sunlight to the bedrooms of 'Wheelwrights' harmful to the reasonable enjoyment of that property by its

occupiers. The development is therefore contrary to Policies ENV28 & H33 of the Maidstone Borough-Wide Local Plan 2000 and the Central Government Advice contained in The National Planning Policy Framework.

Informatives set out below

You are advised that if the side extension is reduced to a single storey, the development is likely to be considered acceptable, and are encouraged to contact the case officer regarding pre-application advice prior to making any resubmission.

Note to applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was not considered to comply with the provisions of the Development Plan and NPPF as submitted, and would have required substantial changes such that a new application would be required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

It is noted that the applicant/agent did not engage in any pre-application discussions.

The applicant is advised to seek pre-application advice on any resubmission.