

APPLICATION: MA/11/1680 Date: 24 September 2011 Received: 6 March 2012

APPLICANT: Mr C James

LOCATION: 121, BATHURST ROAD, STAPLEHURST, TONBRIDGE, KENT, TN12 0NB

PARISH: Staplehurst

PROPOSAL: Erection of a detached garden room and workshop (retrospective application) as shown on drawings and photograph received on the 3rd October 2011, drawing received on the 18th and 19th October 2011 and amplified by drawing showing eaves detail received on the 6th March 2012.

AGENDA DATE: 18th July 2013

CASE OFFICER: Graham Parkinson

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

- It is contrary to views expressed by the Parish Council

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: H18  
Government Policy: NPPF

## **2. HISTORY**

- 2.1 MA/11/1084 -single storey side and rear extension- APPROVED- 23<sup>rd</sup> August 2011

## **3. CONSULTATIONS**

- 3.1 Staplehurst Parish Council – Recommends refusal on the following grounds:
- Proposal considered overintensive for the site, will overhang neighbouring properties and maintenance would be impossible from two sides. Request application be reported to the Planning Committee.

#### **4. REPRESENTATIONS**

- 4.1 4 neighbouring properties were notified of the application and two observations have been received which are summarised below:
- 4.2 One letter raising no outright objection but making the following points:
- Contends that property boundaries have been breached, encroaching onto adjacent footpath/garden area.
  - Parking facilities being affected.
  - Use of building as workshop will create noise and disturbance.
  - Loss of outlook from rear of property.
  - Foundations not checked, would request that application under Building Regulations be submitted.
- 4.3 One letter raising objection as follows:
- Trees and hedges have been removed.
  - Use of weatherboarding and roof tiles out of character with the area.
  - Overhangs adjoining boundaries.
  - Has not been provided with gutters and existing drains cannot cope with water draining across 12 Thatcher Road.
  - Rear wall facing onto car park shown as weatherboarding, concerned regarding removal of this and installing doors in its place to provide access into adjoining parking area.
  - Not 10 metres from rear of house.
  - If approved will allow neighbouring properties to carry out similar work.
  - Applicant runs business from home which would be main use of premises.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

- 5.1.1 The site lies within the village confines of Staplehurst and is occupied by an end of terrace house fronting Bathurst Road and sited a short distance to the west of the junction with Thatcher Road.
- 5.1.2 In the rear garden of the property abutting a garage court to the north, a shed, the subject of this application has been erected. The eastern flank of the shed abuts a side and rear pedestrian accessway to 14 Thatcher Road an end of terrace house located to the east of the application site. The rear garden in which the shed is located has an average depth of just over 11 metres and has a north to south orientation .

5.1.3 In a wider context the area is residential in character.

## **5.2. Proposal**

5.2.1 Retrospective planning permission is sought to retain a pitched roof shed having dimensions of 4.8x 3.2 metres, an eaves height of 2.1 metres and an overall height of just under 2.9 metres. A veranda 1.2 metres in depth has also been provided.

5.2.2 The building has a sloping tiled roof with the walls constructed from brick upstands with the spaces in between clad with shiplap boarding.

5.2.3 The applicant confirms that the building has been constructed solely for use as a garden room/hobby shed and will not be used for commercial purposes.

5.2.4 Given concerns raised regarding the shed overhanging adjoining land the applicant has amended the gutters and provided written confirmation that all parts of the shed now fall within his boundaries.

## **5.3 Principle of Development**

5.3.1 Policy H18 of the adopted local plan permits dwellings to be extended. No objection is therefore identified to the principle of a shed in this residential setting subject to it being used for purposes ancillary to the enjoyment of the attached house and not harming the outlook and amenity of occupants of adjoining houses overlooking and abutting the site.

## **5.4 Visual Impact**

5.4.1 Members are advised that outbuildings can be erected in the rear gardens of properties such as this without requiring planning permission subject to them not exceeding 2.5 metres in height where sited within two metres of a boundary,

5.4.2 As such the key visual impact is considered to be whether exceeding the height restriction set out above by 400 mm will materially increase the visual impact, principally of the roof area, compared to a building that could be erected without planning permission.

5.4.3 Concern has been raised regarding the design of the building including the choice of materials (being tiles and timber weatherboarding) contending that this makes it appear incongruous and out of character with the area. However, it is considered that the location of the shed, which will not feature in any street scene while abutting a garage court, is an acceptable example of domestic architecture appropriate to location such as this.

- 5.4.4 As such for the reasons set out above it is considered that the visual impact of the building is acceptable and design objections to it cannot be sustained as a consequence

## **5.5 Residential Amenity**

- 5.5.1 Turning to the impact of the building on the outlook of adjoining houses, the nearest property overlooking it is 14 Thatcher Road, sited just under 10 metres to the east. However given the shallow roof pitch of the building, which substantially diminishes any impression of height or bulk, it is considered that the impact on the outlook and amenity of this property is acceptable.
- 5.5.2 Regarding any material impact on the occupants of 119 Batthurst Road, abutting the site to the west, again given a separation distance of just over 10 metres from this property, low profile of the building and presence of boundary screening, it is considered that the impact on this property is also acceptable.
- 5.5.3 Concerns have also been raised regarding potential noise and disturbance arising from the business use of the building. The applicants have confirmed that is only intended to use the building for domestic purposes and as such there is considered to be no sustainable objection on these grounds.
- 5.5.4 Were it subsequently to transpire that the building was being used for business purposes the Council could take action under its planning enforcement powers.

## **5.6 Other Matters**

- 5.6.1 Concerns have been raised that the proposal encroaches onto adjoining land not in the ownership or control of the applicant. However given the amendments to the guttering that have been carried out and the applicants confirmation that all work falls within the site boundary, it is considered that this matter has been resolved.
- 5.6.2 Disputes relating to land ownership are private matters in which the Council is not empowered to become involved.
- 5.6.3 Regarding whether the buildings foundations are of an acceptable standard, outbuildings do not fall within the remit of the Building Regulations and as such there is no control over this aspect.
- 5.6.4 Concerns relating to the impact of the building on the use of the adjoining car park are noted. Given that the building does not encroach onto this area nor is it

is intended that the building will have access onto the car park it is not considered that its retention will harm the use of the car park.

- 5.6.5 Concerns have also been raised regarding opening up the rear of the building and its use it as a garage with access onto the car park. However the applicant has expressed no intention to this effect.
- 5.6.6 Loss of trees and hedges to enable the building to be erected has also been raised. However in the absence of any formal protection their loss has no material bearing on consideration of this application.
- 5.6.7 The issue of maintenance of the building raised by the Parish Council is noted. However this does not represent a material planning consideration and as such cannot be taken into account in determining this application.
- 5.6.8 Finally concerns relating to water draining across 12 Thatcher Road are noted however as guttering is now in place this matter is resolved.

## **6. CONCLUSION**

- 6.1 Taking into account:(a) that the height of the building only slightly exceeds that which could be erected as 'permitted development' (b) its shallow roof slope, low profile and otherwise acceptable design (c) distance from nearest properties and (d) presence of boundary screening, means that the impact on the outlook and amenity of properties overlooking and abutting the site is considered acceptable.
- 6.2 In the above circumstances it is therefore considered that planning permission should be granted for its retention.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. The development hereby permitted shall be carried out in accordance with the following approved plans: as shown on drawings and photograph received on the 3rd October 2011, drawing received on the 18th and 19th October 2011 and amplified by drawing showing eaves detail received on the 6th March 2012.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

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

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 there are no overriding material consideration to indicate a refusal of planning consent.