

APPLICATION: MA/09/0508 Date: 23 March 2009 Received: 25 March 2009

APPLICANT: Mr N. Nesityif

LOCATION: 7, HAZELWOOD DRIVE, MAIDSTONE, KENT, ME16 0EA

PROPOSAL: Erection of single storey extension with converted roof space to southern elevation shown on a site location plan, unnumbered floor plan, elevations and block plan and an Arboricultural Report received on 25/03/09.

AGENDA DATE: 15th October 2009

CASE OFFICER: Louise Welsford

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

- Councillor Malcolm Robertson has requested it be reported for the reason set out in the report.

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18.
South East Regional Plan 2009: BE1.
Government Policy: PPS1.

HISTORY

This application is a re-submission of application MA/08/1288, which was for a part single storey and part two storey extension and which was refused for the following reason:

“The proposed development would result in harm to the amenity of the occupants of neighbouring dwellings to the east with regard to an unacceptable outlook and loss of prospect due to the overall length, height and mass of the proposed development on the site boundary”.

Copies of the drawings from this application are attached as an appendix.

The only other history is for the erection of the estate.

CONSULTATIONS

Councillor Malcolm Robertson:

"If you are minded to approve this application, please report it to the Planning Committee for the reasons set out below.

- a) The proposed development represents an overdevelopment of the site, going, as it does, within centimetres of the boundary and having a massing effect over the existing property.

- a) The proposed development is not in sympathy with the rhythm of the street-scene and destroys the symmetry of matching wings of the existing development in Hazelwood Drive and is thus detrimental to the street-scene".

Kent Highways: No objections.

Landscape Officer: wishes to see the application approved. The development would be far enough away from the protected Scots Pine tree for it not to be affected.

REPRESENTATIONS

Objections have been received from 5 neighbouring properties, raising the following objections: -

- Loss of residential amenity, including loss of light, overshadowing, loss of privacy / overlooking and loss of outlook, plus too close to properties in Roseleigh Avenue.
- Visual appearance
- Scale, too dense/cramped
- Layout
- Mass (not significantly different to that refused)
- Design
- Loss of landscaping
- Loss of view

- May become a separate dwelling
- No need
- Access and parking
- Commercial operations taking place on site and risk to children
- Maintenance

CONSIDERATIONS

SITE AND SITUATION

The application site contains a two storey, detached dwelling, which is located within the urban area of Maidstone, in Allington Ward. The streetscene is characterised by detached dwellings. The subject building is one of two dwellings which both have a single storey wing set at right angles to the main house. These wings face the turning head of the road.

The layout of dwellings in the vicinity follows no fixed or uniform pattern and such single storey wings are not a regular feature of the area. Building lines, however, are generally regular, although buildings do not all front the road. (Some are at right angles to it, such as the main part of the subject dwelling).

This is a densely developed area and in the wider context, horizontal, flat roofed dormers to the roofs of single storey buildings are a fairly common feature.

PROPOSAL

Planning Permission is sought for the erection of an extension, comprising garaging and accommodation upon the ground floor and further accommodation within its roof space. It would have a dormer with a pitched roof, to the west elevation, and a hipped roof. The extension would be set at right angles to the house and would replace the existing single storey garage wing, although it would have a larger footprint than the existing wing. (In particular, it would extend approximately 1.5m further eastwards and approximately 3.3m further southwards).

The footprint of the extension would be approximately 11m by 7m. The eaves height would be approximately 2.5m and the ridge height approximately 5.7m, with the roof being hipped to the north and south elevations.

This application is a re-submission of application MA/08/1288, which was for a part single storey and part two storey extension.

PLANNING CONSIDERATIONS

The key issues arising from this case relate to the impact upon residential amenity for the occupiers of neighbouring properties (in particular light, overshadowing and outlook) and the impact upon the character and appearance of the streetscene and locality.

Residential Amenity

The properties most likely to be affected by this development in terms of light, overshadowing and outlook are the properties in Roseleigh Avenue, mainly No. 50.

As stated, the previous application was refused for the following reason: -

“The proposed development would result in harm to the amenity of the occupants of neighbouring dwellings to the east with regard to an unacceptable outlook and loss of prospect due to the overall length, height and mass of the proposed development on the site boundary”.

I accept that the extent of the development visible to the occupiers of properties in Roseleigh Avenue has not decreased. However, material changes have been made to the scale and design. This is most noticeable upon a comparison of the proposed end elevations, where the change in mass of the end profile is very apparent. Previously, the scheme included a two storey element, with an eaves height of approximately 5m, and therefore, a section of approximately 5.5m in width of solid wall of approximately 5m in height facing no. 50 Roseleigh Avenue (east elevation). The ridge height of part of the extension would now be higher than previously proposed (and the mass to the former single storey section), because previously a part single storey and part two storey extension was proposed, whereas now accommodation is proposed in the roof and would be spread further across, due to the lower eaves height. However, the eaves height facing no. 50 Roseleigh Avenue would now be only approximately 2.5m, which is only approximately half of the previous height proposed for the two storey section. The ridge height of the new proposal would be approximately 5.7m, but the roof would slope away from the properties in Roseleigh Avenue, with the actual ridge being set in by approximately 4m from

the boundary. (Previously, the section which was proposed to be around 5m in height would have been only approximately half a metre from the eastern boundary).

A loss of light test undertaken in accordance with a method referred to in the British Research Establishment Report "Site Layout Planning for Daylight and Sunlight" clearly indicates that there would be no significant loss of light to the properties in Roseleigh Avenue, even taking into account the fact that the site occupies slightly higher ground than them (in the region of 1m maximum). I accept that the gardens of properties in Roseleigh Avenue are not large, but given the low eaves height of the proposal and the fact that the proposals roof would slope away from them, it is concluded that the development would not result in such a significant loss of light, overshadowing, overbearing impact or loss of outlook as to justify a refusal which would sustain at appeal.

No. 48 Roseleigh Avenue is located northwards of the site for development and not directly in line with it and would not, therefore, experience a significant loss of light, outlook or overbearing impact.

It is estimated from a site visit that the proposal is approximately 9.5m from the nearest part of No. 50 Roseleigh Avenue and approximately 10m from the rear wall of its conservatory. There is no policy requirement for the development to be 11m from the rear wall of the nearest property, and due to its eaves height and design, it is not considered to be so close as to be overbearing.

The proposal would not result in a significant loss of privacy for any neighbouring property, as openings to the west elevation would face the driveway and the angles involved would prevent significant overlooking. The window to the north would be in the same plane as existing openings and that to the east would be obscure glazed with a top opening fanlight only. I propose a condition to ensure that the opening is at least 1.7m above finished floor level, which would prevent significant overlooking, irrespective of the boundary hedging being removed.

Visual Impact

The proposal is clearly of substantial mass. However, its ridge would be approximately 1m lower than the main ridge of the house and it would have a hipped roof, which would lessen its dominance. It would also have a low eaves height of around 2.5m, compared to the eaves height of the house of

approximately 5m. This would also help to lessen the bulk and prominence of the extension.

In my view, the character of this area is of fairly densely built residential development, upon relatively small plots. Spacing between properties is generally small and the proposed mass upon this site is not considered to be out of character with what one might expect to see in this very built up suburban locality. Although there is some symmetry across nos. 7 and 8, with them both having a single storey wings set at right angles to the main house, this is not a strong feature of the wider area, nor is it considered to be part of any important street pattern. The layout of dwellings in this area is not uniform, and the loss of the symmetry, whilst regrettable, would not, given the above points, cause such significant visual harm to the character of the area as to justify a refusal. The proposal would provide more visual interest at the end of the street, where the view is currently simply of a number of unbroken, concrete tiled roof slopes, and is of somewhat bland appearance.

The scale of the front dormer is not to be welcomed, but the existing dwelling is of no significant aesthetic merit, nor is the existing expanse of concrete tiled roofing above the existing garaging. Also, within the wider area, there are many examples of horizontal, flat roofed dormers upon single storey buildings and the proposal, and design, would not, therefore, be out of character with the wider surroundings.

On balance I conclude that due to the scale and design of the proposal and the layout, character and appearance of the surroundings, this proposal would not cause such significant harm to the character or appearance of the street-scene such as to justify a refusal which would sustain at appeal.

It is noted that the previous proposal was for a partly two storey extension (of full two storey height) and that this was not refused upon the impact upon the street-scene, nor overdevelopment.

Other Issues

Loss of view and maintenance are not material planning considerations. The fact that there is no need for the development, is not considered to justify a refusal, in the absence of any material harm arising from it.

The applicant has not applied for use of the extension as a separate dwelling, and this would therefore require a new application. Such an application would be assessed upon its own merits.

Similarly, the issue of commercial operations on site and their risk to children has been raised. A commercial use of the site would likewise require a new application, or, if carried out without planning permission, would be a separate enforcement matter. No commercial use has been applied for.

The loss of existing landscaping is regrettable, but this comprises simply a small section of hedging and a non-native tree. The tree is not of an appropriate species for the area. The hedging only covers a small area and does not give any material 'greening' effect to the area and, given the extent of hardsurfacing and built development existing both upon the site and its surroundings, in my view the loss of this small section of soft landscaping would have no material impact upon the harshness of the area.

The access is onto a residential road at a turning head, where there would be no significant highway safety issues. Speeds at the end of a turning head would be expected to be low and therefore pose no significant danger. The development would not preclude access to the garaging at no. 8 and rights of access overland are civil issues. There would be two parking spaces in the garages, plus space upon the existing drive, which is considered adequate for this urban area.

There is a protected Scots Pine tree in the garden of no. 48 Roseleigh Avenue. A submitted Arboricultural Statement indicates that there would be no negative impact upon the tree and the Landscape Officer agrees with this. Given the distance involved, I concur with this view.

CONCLUSION

On balance, the proposal is considered to have an acceptable impact upon the character and appearance of the streetscene and upon residential amenity and the previous reason for refusal has been addressed. Approval is therefore recommended.

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(s) hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with Policies H18 of the Maidstone Borough-Wide Local Plan 2000 and the advice given in PPS1.

3. Before the development hereby permitted is first occupied, the proposed window to the east elevation 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, in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000 and PPS1.

4. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the east elevation of the extension hereby permitted.

Reason: To prevent overlooking to adjoining property and to safeguard the privacy of the occupiers in accordance with Policy H18 of the Maidstone Borough-Wide Local Plan 2000 and PPS1.

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