

APPLICATION: MA/09/1511 Date: 20th August 2009 Received: 21st August 2009

APPLICANT: Ms K Hammond

LOCATION: 7, FITZWILLIAM ROAD, BOXLEY, MAIDSTONE, KENT, ME14 4PY

PROPOSAL: Planning application for erection of first floor extension over existing garage and associated works as shown on site location plan, block plan and drawing nos. WS100-394 Rev B (sheet 1 and 2) received 21/08/09.

AGENDA DATE: 15th October 2009

CASE OFFICER: Kathryn Altieri

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

- It is contrary to views expressed by Cllr Horne

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18

South East plan 2009: BE1, CC4

Village Design Statement: Not applicable

Government Policy: PPS1 - Delivering Sustainable Development

PPS3 - Housing

'Supplementary Planning Document - Residential Extensions' (May 2009)

HISTORY

MA/86/1504 - Erection of fifty six dwellings with garages and associated roads (amendment to 85/922) - approved/granted with conditions

MA/85/0922 - Erection of 129 dwellings and construction of ancillary roads - approved/granted with conditions

MA/83/1582 - Outline Application for residential development (approximately 136 dwellings) - approved/granted with conditions

MA/82/1454 - Outline application residential development - refused

CONSULTATIONS

Newspaper Advertisement Expiry Date: N/A

Parish Council: Boxley Parish Council gave no response

Cllr Horne:

"The applicant chose to continue the building work for a two storey extension, without the benefit of planning permission and contrary to the advice of the enforcement officer. In the circumstances, the neighbours have been denied the opportunity to comment at the plan stage.

I refer to the Maidstone Local Development framework – Residential extensions – supplementary planning document, which was adopted May 2009.

The development is contrary to this SPD.

- 1. The house of no 8 Baron Close has a very small rear garden and they are completely overlooked by the new extension. There is a perceived loss of privacy. To re-assure them the new window should be obscure glazed and any opening should be more than 1.7 metres above the floor of the room. There should be a condition for appropriate planting at the ground floor level to screen the impact of the new extension.*
- 2. The main impact is upon no 9 Barons Close. At 4.79 it is stated:-The Borough Council is primarily concerned with the immediate out look from the neighbour's windows and if a proposal significantly changes the nature of the normal outlook. For example, it would be unacceptable for the resulting outlook from a main window to be of a large wall of residential extension. This is not qualified, and in fact, the main outlook from the downstairs lounge window of No 9 is so affected.*
- 3. At 4.76 it is stated: An extension should not cause any significant loss of daylight or the cutting out of sunlight for a significant part of the day to the principal rooms in neighbouring properties. Mrs Hutson has reported this affect.*
- 4. At 4.37 it is stated: The scale and form of an extension are important factors in achieving a successful design. The extension should respond sensitively to the positive features of the area, which contribute to the local distinctive character and sense of place in terms of scale, proportion and height. In my view the form of the extension fails to be subordinated to the rhythm of buildings in the streetscene.*

The only way in which points 2, 3 & 4 could be met would be through a lowering of the roof line.

I object to the current application.

It may be that the applicant would wish to withdraw this application and submit an amended design which is more in line with the Objectives of the SPD.

I should be much obliged if this letter is reported in full to the Committee."

REPRESENTATIONS

Neighbours: Two neighbours have raised concerns over loss of privacy and outlook, loss of light, overlooking and impact upon the streetscene

CONSIDERATIONS

The Site

The application site relates to a rectangular shaped residential plot currently occupied by a semi-detached two storey dwelling with attached garage and front drive. This unlisted property is set back some 8m from Fitzwilliam Road, opposite the junction with Wytherling Close and is within the urban area of Maidstone.

The site does not fall within any other special economic or environmental area, as designated by the Maidstone Borough Wide Local Plan 2000.

The Proposal

This planning application is retrospective and is for the erection of a first floor side extension over the existing garage, to provide an additional bedroom with ensuite facilities. It projects 2.7m from the north-east flank of the main property and comes in line with the existing garage, remaining 1m from the north-east boundary. The proposal matches the existing property's ridge and eaves height, 7m and 4.8m respectively and extends the full length of the side elevation, some 7.9m.

Due to the topography of the land, all measurements given are approximates only.

Planning Issues

The most relevant policy under the Maidstone Borough-Wide Local Plan 2000 relating to householder development within the urban area is Policy H18.

Impact upon the parking

The proposal would create an additional bedroom, however the existing garage and front drive would provide adequate off road parking provision for a property of this scale. I therefore believe, due to the proposal's scale, design and location, that it does not significantly impact upon the parking provision within the area or generate any need.

Impact upon the existing property

The development maintains the property's pitched roof design, whilst putting a small pitched roof on the front bedroom window to match that of the existing front bedroom window. Furthermore, the main ridge and eaves heights are maintained, the fenestration is in proportion with the existing dwelling and the materials used in its construction match with the original property.

As such, I consider this development would not significantly overwhelm or destroy the character of the existing property.

Impact upon the neighbours

This section is in response to the objections raised from the neighbours and Cllr Horne, with loss of privacy, loss of light and the impact upon outlook being the issues that need to be discussed.

Loss of light -

This development maintains a 10m separation distance from no.8 Baron Close, it only projects 2.7m from the original main side flank of the property and the 1m gap to the shared boundary is maintained.

In accordance with the BRE document – '*Site Layout Planning for Daylight and Sunlight (A Guide to Good Practice) - Appendix A*', the vertical sky component was calculated

from no.8's rear patio doors. From the submitted plans, the '*Skylight Indicator*' shows fifteen crosses within the shaded area caused by the development. That leaves sixty-five crosses in the un-shaded areas, which contributes to the skylight from the neighbour's patio doors, giving a '*Vertical Sky Component*' of 32.5%.

As the '*Vertical Sky Component*' is significantly greater than 27%, this BRE document concludes that there is enough skylight reaching no.8 Baron Close's patio doors. So, in accordance with this BRE light test, this development, because of its scale, design and location, does not cause a significant loss of light to the patio doors of no.8 Baron Close.

I do not feel it necessary to carry out the same test for no.9 Baron Close, as this property is sited further away from this development than no.8, which has been proved to not suffer a significant loss of light.

Furthermore, the 10m separation distance, the orientation of the application site being south-west of the neighbour and the fact that the existing house provides the backdrop for the extension is such that this development does not cause a significant loss of sunlight.

Loss of privacy -

The development does not have any first floor openings in its north-east flank to directly overlook into no.8 Baron Close's rear garden and to ensure that this remains the case I deem it appropriate to impose a condition that no first floor openings shall be inserted into this elevation.

Furthermore, the proposed first floor rear window (serving an en-suite) will be conditioned to be obscure glazed and fixed shut, to maintain sufficient levels of privacy for the closest neighbours in Baron Close. It should also be noted that a bedroom and bathroom window are already apparent in the first floor rear flank of no.7 Fitzwilliam Road, so the additional obscure glazed ensuite window will not generate a further significant level of overlooking.

Loss of outlook -

The distance between the flank wall of the extension and the neighbour of 10 metres would ensure that it would not be a dominating or oppressive feature when viewed from habitable rooms.

It is therefore considered, because of the proposal's scale, design and location, that there is no significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

Impact upon the streetscene

This modest development is visible from the road, however it is set back 8m from Fitzwilliam Road and the pitched roof design and materials used only compliments both the property and the other dwellings in the surrounding area.

The '*Supplementary Planning Document - Residential Extensions*' recommends a minimum gap of 3m between the side wall of a two storey side extension and the adjoining property. The distance between this development and no.8 Baron Close is 10m, which significantly exceeds the 3m that is recommended and easily maintains visual gap between the two properties. I must also stress that the overall street pattern of Fitzwilliam Road, Baron Close, Wytherling Close and other streets within close proximity to the application site typically sees each property placed very close to each other, producing minimal separation gaps of 1-2m.

In addition, because of the orientation of both the application site and the surrounding neighbours, the development is not fully visible when approaching the site from either the north-east or the south-west along Fitzwilliam Road. As a result, I do not believe that this development visually dominates the streetscene.

I therefore believe that this development does not destroy the rhythm of gaps within the streetscene and it does not create a damaging terraced appearance. As such, this development does not significantly affect the character and appearance of the area or adjacent buildings.

Other considerations

The concerns raised by the two neighbours and Cllr Horne have been answered in the main body of this report and Boxley Parish Council gave no response so it is therefore assumed they have no objection to this development.

As this application is retrospective, it is not necessary to impose the standard time condition. Furthermore, the materials used in this proposal's construction match those of the existing property and I am happy that they are in keeping with the property and the surrounding area.

Conclusion

It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. No additional first floor windows, doors, voids or other openings shall be inserted, placed or formed at any time in the north-east facing wall of the building hereby permitted;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers. This in accordance with policy H18 of the Maidstone Borough Wide Local Plan, policies and the 'Supplementary Planning Document - Residential Extensions' (May 2009).

2. Before the development hereby permitted is first occupied, the proposed first floor ensuite window to the rear 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. This in accordance with policy H18 of the Maidstone Borough Wide Local Plan, policies and the 'Supplementary Planning Document - Residential Extensions' (May 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 Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.