

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/500509/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing derelict garage and erection of a replacement double garage. Demolition of existing front porch and erection of a part single storey, part two storey front extension, a two storey side extension and single storey rear extension.		
<b>ADDRESS:</b> 48 Richmond Way Maidstone Kent ME15 6BN		
<b>RECOMMENDATION:</b> Application Permitted subject to conditions set out in Section 8.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> For the reasons set out below it is considered that the proposed extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application has been called in by Cllr Derek Mortimer for the following reasons : 1 The impact of the proposed rear extension ( Sun Room ) on the neighbouring property, (46) in terms of mass and loss of natural light and loss of amenity raises concerns. 2 The improvements to the property are welcome, however, I do feel that the proposed character and design compared to other properties on the road do not fit very well.		
<b>WARD:</b> South	<b>PARISH/TOWN COUNCIL:</b>	<b>APPLICANT:</b> Mr. Mark Best <b>AGENT:</b> GTA Chartered Surveyors And Engineers
<b>CASE OFFICER:</b> Jake Farmer	<b>VALIDATION DATE:</b> 21/04/22	<b>DECISION DUE DATE:</b> 25/11/22
<b>ADVERTISED AS A DEPARTURE: NO</b>		

**Relevant Planning History :** None

## MAIN REPORT

### 1. DESCRIPTION OF SITE

- 1.01 The application site is located along the easternmost side of Richmond Way which itself is located to the south of Maidstone town centre. The site is located in a primarily residential area with Richmond Way characterised by the variation in terms of architectural character from one side of the road to the other. The western-most side of the road generally comprises of mid-twentieth century bungalows whilst the eastern side tends to comprise two storey dwellinghouses.
- 1.02 The site itself currently comprises a two storey semi-detached house of traditional mid-twentieth century design constructed of brickwork with UPVC cladding and a UPVC porch on the front elevation under a concrete tiled roof.

### 2. PROPOSAL

- 2.01 The application proposes the erection of a two-storey side extension to the northern elevation of the existing dwelling, a single storey rear extension to accommodate a 'sun room' and the erection of a two-car garage following the demolition of the existing garage to the north of existing dwelling.

- 2.02 The development proposes to introduce a brickwork finish to the front and rear elevations at ground floor level and a continuation of the UPVC cladding at first floor level under a concrete tiled roof.

### **3. POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG):

Maidstone Borough Local Plan 2017 : Policies SP1, DM1, DM9 and DM23

North Loose Neighbourhood Plan

Supplementary Planning Documents: Residential Extensions SPD

Emerging Policy : Maidstone Borough Council has also submitted its Regulation 22 Submission relating to the Local Plan Review. The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2019, the representation and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. The weight is limited, as it has yet to be subject to examination in public. Policy LPRSP15 – Principles of Good Design, LPRHou 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas, Policy LPRTRA4 - Parking Matters

### **4. LOCAL REPRESENTATIONS**

Two letters of representation have been received from one neighbouring property (one letter in response to the original consultation and one to the re-consultation), in summary the following objections have been raised :

#### *Original consultation*

- Overshadowing
- Loss of outlook
- Loss of light
- Overall scale, design and materials would overwhelm neighbouring property, change character of the original property, change symmetry and not be in keeping with other properties in the road.

Other matters raised relating to party wall and foundations are not material planning considerations.

#### *Re-consultation*

- Impact from loss of light and loss of outlook would remain, would prefer the rear extension to be set in from the common boundary.
- Concerns regarding proposed sedum roof and vegetation birds would drop.
- Concerns were raised with the applicant prior to submission and the design and access statement is incorrect.

## 5. CONSULTATIONS

### North Loose Residents Association

#### 5.01 *Original consultation*

We have no objection to the side extension but have major concerns regarding light, sunlight and visual outlook caused by the rear extension, and which could affect the quality of life for residents at no. 46. A possible solution would be to erect the rear extension behind the kitchen/diner shown on the proposed plans.

We also have concerns about the garage which is abnormally large for a residential property. We therefore request that the planning officer consider adding a condition that the garage is for residential use only and not any commercial activities.

#### *Re-consultation*

Further to our previous comments on this application, we still have major concerns regarding the light, sunlight and visual outlook caused by the rear extension, and which could affect the quality of life for residents at no. 46. We can see no changes on the plans regarding this.

In addition, we note that no front door is shown on the amended plans and the proposed floor plans and elevations do not match. This could be an error on the plans but if intended then we object to the proposal on the grounds that the property will be out of keeping with other properties and therefore the rhythm of the street.

We note the applicant is happy to address suggested concerns of commercial activity by use of a planning condition stipulating that the garage shall not be used for any form of commercial activity, and we therefore request that this condition is made if the application is approved.

## 6. APPRAISAL

The key issues for consideration relate to:

- Site Background/Principle of development/Policy context
- Visual amenity
- Residential amenity
- Parking/Highway safety
- Other matters

### **Site Background/Principle of development/Policy context**

- 6.01 The proposed scheme has been amended from the original submission to change the proposed materials to match the existing dwelling, rationalise the design of the front elevation and reduce the bulk of the proposed double garage. Extract plans of both schemes are shown below :

Original submission



Amended scheme



- 6.02 Policy SP1 (Maidstone urban area) relates to the area outside of the town centre and the policy outlines that this area will be a focus for new development. The policy outlines that the urban area will continue to be a good place to live and work, and this will be achieved by permitting development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character.
- 6.03 Furthermore, policy DM9 (Residential extensions, conversions and redevelopment within the built up area) sets out the criteria for determining applications which involve extensions within built up areas. The policy reiterates the requirements highlighted in paragraph 118(e) of the NPPF above. Such proposals are permitted if;

*i. "The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;*

*ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;*

*iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and*

*iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene."*

6.08 The application site is situated in a sustainable location within the Maidstone Urban Area, as such, the principle of development in this location is considered acceptable subject to the material planning considerations discussed below.

#### **Impact on Visual amenity**

6.09 Policy DM1 (Principle of good design) outlines the importance of high-quality design for any proposal. This includes taking into account the scale, height, materials, detailing, mass, bulk, articulation and site coverage, respecting the amenities of neighbouring occupiers and properties, incorporating adequate storage for waste and recycling, providing adequate parking facilities to meet adopted Council standards, protect and enhance biodiversity.

6.10 Policy DM9, as stated above, of the Local Plan also requires that the scale, height, form and appearance should fit the character of the existing local area.

6.11 The residential extension expands of these policies and provides further guidance which includes (points summarised) :

- *Acceptable height of side extensions is determined by ground levels and distance from boundaries*
- *A side extension built flush with the existing front elevation of the house may also affect the symmetry of a pair of semi-detached properties with adverse impact on the street scene*
- *Where a pattern of gaps between properties within the street scene exists, a minimum of 3 metres between the side wall of a two storey side extension and the adjoining property for the full height of the extension is normally desirable*
- *The use of, for example a set back from the front elevation of the original house and lower roof can assist in assimilated development where it is desirable that the form, proportions or symmetry of the original building are respected*
- *Front extensions can have an adverse effect on the street scene because of their prominence on the front elevation*
- *Where a front extension is acceptable, the roof should match the roof of the original house in style in order to compliment the existing building and the character of the area*
- *The scale, proportion and height of an extension should not dominate the original building or the locality, should be subservient to the original house and should fit unobtrusively with the building and its setting*
- *The form of an extension shall be well proportioned and present a satisfactory composition with the house. The extension should normally be roofed to match the*

*existing building in shape. Where visible from public view, a flat roof extension would not normally be allowed.*

- 6.12 The application proposes the demolition of the existing garage, the erection of a replacement double garage and erection of a part single storey, part two storey front extension, a two storey side extension and single storey rear extension.
- 6.13 The residential extensions SPD (2009) requires extensions to be subordinate to the existing dwelling. The application proposals would result in a continuation of the existing ridge and eaves lines and follow the existing building line and pattern of development. The rear extensions would give the appearance of a subordinate, single storey rear extension.
- 6.14 The proposals also seek the erection of a replacement 2-car garage following the demolition of the existing garage. The proposed garage would be constructed of brickwork under a concrete tiled pitched roof.
- 6.15 The proposed works would result in a continuation of the existing pattern of development, and as such, it is considered that the proposals are acceptable in this regard.
- 6.16 The proposed finishing materials would match those in the existing dwelling with the proposals continuing the brickwork on at ground floor level, cladding at first floor level under a concrete tiled roof.
- 6.17 The application site is somewhat unique within Richmond Way given its position within a corner plot, with a considerably wider plot frontage than other properties along the road. As such the proposed extensions and replacement garage have been considered with regards to the unique plot.
- 6.18 The proposed development seeks to increase the footprint of the dwelling from 45m<sup>2</sup> to approximately 97m<sup>2</sup>. The application also proposes to extend by approximately 3 metres from the existing rear building line. The building line along the eastern side of Richmond Way is not uniform and it is considered that the proposed extensions would result in a dwelling that does not significantly deviate from the existing pattern of development.
- 6.19 Whilst the erection of the replacement garage would result in an increase in the scale and massing compared to the garage, it is considered that the northern boundary of the site provides a sufficient level of natural screening to sufficiently mitigate the additional massing.
- 6.20 In light of the above it is considered that the proposed development accords with policies DM1 and DM9 of the Local Plan (2017) and residential extensions SPD (2009) with respect to massing, scale, height and bulk.

### **Residential Amenity**

- 6.21 The proposals are largely focused to the northern side of the application site, which is bounded by existing mature trees. It is considered that the two neighbours that would be impacted by the development are the residents at No. 46 and those at No. 50 Richmond Way.
- 6.22 The proposed single storey element of the rear extension would extend approximately 3m beyond the rear elevation of No.46. This is comparable to what, in many circumstances would be considered permitted development under the General Permitted Development Order (GPDO). The single storey element to the rear extensions is considered to not have an adverse impact upon the daylight, sunlight or outlook enjoyed by the current and future occupants of No. 46.

- 6.23 With respect to the impact upon No.50, it is considered that the separation distance between the proposed rear elevation of No.48 and the existing rear elevation of No.50 is sufficient in ensuring that there will be no adverse impact upon overlooking or outlook for current and future occupants for both properties.
- 6.24 Overall, the proposals are considered to have an acceptable impact on neighbouring residential amenities in accordance with Policies DM1 and DM9 of the Local Plan (2017) and the North Loose Neighbourhood Plan.

#### **Parking/Highway safety**

- 6.25 The application proposes the increase in the size of the garage to accommodate two cars. Given the scale of the proposed development, it is considered that the additional provision of off-street parking would not adversely impact the highways safety for road users.

#### **Other matters**

- 6.26 In itself the proposal would not result in the need for further ecological surveys, there is not considered to be any protected species which would be at risk, however Policy DM1, the residential extensions SPD and the NPPF all promote ecological enhancement and due to the nature and extent of the proposals it is considered that biodiversity enhancements would need to be provided, both integral to the extensions and within the curtilage. These details could be conditioned.
- 6.27 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables. The proposals by their nature are extensions to an existing dwelling such that conditions which seek to secure such measures would need to accord with the scale of the development. Due to the scale of the proposal, incorporating cumulatively the rear, side and garage extensions it is considered these are of such a scale to incorporate the use of renewable energy sources. Such measure can be secured by way of a condition.

#### **PUBLIC SECTOR EQUALITY**

- 6.28 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

### **7. CONCLUSION**

- 7.01 For the reasons set out above it is considered that the proposed extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.

### **8. RECOMMENDATION**

#### **GRANT planning permission subject to the following conditions**

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

#### **CONDITIONS:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of the 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 development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan – Rec'd 09/03/2022  
Site Plan – Rec'd 09/09/2022  
Block Plan – Rec'd 23/03/2022  
Existing and Proposed Floor Plans – Rec'd 11/10/2022  
Existing and Proposed Garage Floor Plans – Rec'd 21/04/2022  
Proposed Front and Rear Elevations – Rec'd 11/10/2022  
Proposed Side Elevations – Rec'd 11/10/2022

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s)

- (3) Notwithstanding the details submitted, 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 satisfactory appearance to the development

- (4) The extension/s hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated method into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be maintained thereafter.

Reason: To enhance the ecology and biodiversity on the site in the future.

- (5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed and be functional prior to first occupation of any part of the development hereby permitted and maintained thereafter;

Reason: To ensure an energy efficient form of development.

## **INFORMATIVES**

- (1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- (2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should

satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Jake Farmer

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.