

## REPORT SUMMARY

<b>REFERENCE NO - 16/502179/FULL</b>			
<b>APPLICATION PROPOSAL</b> Two storey front extension, roof extension to create a second floor including rear dormer. Excavate area in front of property to create parking. Excavation works to the rear garden (part-retrospective) and addition of pitched roof and alterations to garage/outbuilding (retrospective).			
<b>ADDRESS</b> Bethany Boxley Road Walderslade Kent ME5 9JD			
<b>RECOMMENDATION – Approval</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Boxley Parish Council wish to see the application refused and reported to planning committee			
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> Mr Frazer Rogers <b>AGENT</b> Coteq Ltd	
<b>DECISION DUE DATE</b> 16/06/16	<b>PUBLICITY EXPIRY DATE</b> 17/10/16	<b>OFFICER SITE VISIT DATE</b> 04/08/2016	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/501654/FULL	Singe storey rear extension, two storey front extension, roof extension, loft conversion, insertion of rear dormers, raised decking area to front, pitched roof to garage, excavation of front garden to create hard standing	Refused. Dismissed on Appeal	04/06/2015
Summarised reasons for refusal: 1. The proposed 2 storey front extension (due to height, design and projection) would create an incongruous feature which would materially detract from the appearance and character of the street scene and the visual amenities of the area, contrary to policy H18 of the adopted Local Plan (2000) 2. The proposed rear extension, by reason of its excessive rearward projection, height and proximity to the side boundaries, would have an overbearing and unneighbourly impact on the residential amenities of the adjoining properties on either side of the application site to an unacceptable degree contrary to policy H18 of the adopted Local Plan (2000).  Appeal Dismissed; the following conclusions are of note;  1. The inspector concluded there was no conflict with Policy H18 in terms of design and character of the area noting that the design, height, projection and scale of the proposed development would not be harmful to the character and appearance of the surrounding area. The modified parking area and alterations of the garage were also considered acceptable. 2. The inspector concluded the due to the rearward projection at ground and roof level that proposal would have an overbearing impact upon neighbouring occupiers and therefore would conflict with Policy H18 in terms of residential amenity.			

16/501281/LAWP RO	Lawful Development Certificate (Proposed) for erection of a single storey rear extension. Alterations to fenestration including two new windows.	Approved	02/06/2016
----------------------	--	----------	------------

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site lies on the north-east side of Boxley Road, and comprises a detached bungalow with a detached garage/outbuilding fronting onto Boxley Road. The site is situated within the area of Walderslade, which forms part of the urban area of Maidstone.
- 1.02 The land on the proposal site is very steeply sloping upwards, away from Boxley Road to an area of mature and ancient woodland known as Beechen Bank to the rear of the proposal site which is protected by a TPO (1/1972).
- 1.03 The proposal site is situated between two-storey detached dwellings either side. Regarding the character of the street scene, there is considerable diversity for dwellings on the north-east side of Boxley Road buildings appear as single, two or three storeys, there are distinctive gable features, dormers, balconies, large dwellings and smaller properties, contemporary architecture and more traditional architecture, as well as visible parking areas, garages and driveways.
- 1.04 A single storey rear extension approved under reference: 16/501281/LAWPRO is currently under construction. This extends to the rear of the dwelling by 4m, for the full width of the dwelling and has a flat roof with a height of 3.2m.

### 2.0 PROPOSAL

- 2.01 The proposed two storey front extension would extend 1m to the front for the full width of the dwelling. This would incorporate a roof extension to create a second storey, to create a gable-end roof with two projecting gable glazed elements, and a flat roof dormer to the rear of the dwelling. The ridge height of the dwelling would increase by 2.2m. The extension would be finished in facing brickwork, roof tiles, aluminium and PVC windows and PVC doors.
- 2.02 The excavated area to the front of the dwelling would create four parking spaces for the site. It would be cut into the existing steep slope to the front of the dwelling, maintained by a retaining wall. It would have a depth of between 10.6m-11m, and a width of 5.6m. It would be finished in block paving, with a soakaway (1m<sup>3</sup>) to collect surface water. Landscaping in the form of three trees/large shrubs is shown within this parking area.
- 2.03 Retrospective permission is sought for alterations to the garage/outbuilding to the front of the dwelling. This includes the addition of a pitched hipped roof with a rooflight, finished in roof tiles, and replacement of double garage door with a single door and infilled with matching brickwork.
- 2.04 Permission is sought for excavation works to the rear garden (part retrospective). The garden to the rear of the dwelling is on a steep slope to the rear of the site, the retrospective works create a central stair with patio area on either side within the rear garden of the site. Works have commenced on site to engineer a further tier within

the garden on higher land and some retaining walls have been started for this additional tier. Following officer advice the applicant has withdrawn the works to form the upper tier within the garden from the plans. If Members are minded to grant permission a mechanism would be necessary to ensure that the regrading works to this upper tier are removed from the site within a given timeframe.

### **Background Information**

- 2.05 In comparison to the refused application ref: 15/501654/FULL, the amended application does not include a rear extension. Rather, the addition of a second storey is being achieved by an increase in the roof height and rear dormer, which does not extend beyond the rear elevation. The design on the front elevation of the dwelling has also been altered from the appeal scheme.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: H18  
Supplementary Planning Documents: Residential Extensions SPD  
Emerging Local Plan: DM1, DM2, DM8

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 Boxley Parish Council wish to see the application refused and reported to planning committee for the following reasons;
- Harm to streetscene due to the design & height of extension; parking area and engineering to front of dwelling; garage/outbuilding exceeds established building line.
  - Design should be amended; reduce the ridge line in keeping with the existing street scene; extension should utilise the footprint of the existing dwelling to respect existing building line on Boxley Road is preserved; reduce off-street parking area.
  - Concerns garage/outbuilding is in residential use.
  - Amenity impact; loss of light.
  - Site is being developed without planning permission or enforcement action.

Requests conditions to address the following if approved;

- Plans should be submitted for the engineering works to car parking area.
  - Hours of construction to be between 8.00 am and 5.00 pm Monday-Friday; 8.00am and 1.00 pm on Saturdays with no work taking place on a Sunday or Bank holidays.
  - No access to the site is to be allowed through Beechen Bank, to protect the Ancient Woodland covered by TPO.
  - Highest sustainable standards of construction applied & monitored by MBC Building Control
  - Materials approved prior to commencement of development.
  - Removal of future permitted development rights
  - Road is to be kept clear of rubble and mud.
- 4.02 Three neighbouring properties have made 5 representations objecting to the following;

- Overlooking (any side windows should be obscure glazed)
- Loss of light
- Harm to streetscene; exceeds building line, ridge line too high, engineering works & parking are to the front of the dwelling (should be limited to two parking spaces).
- Change of use to garage requires planning permission, rear engineering works to garden should be incorporated into this application.
- Front engineering works may damage neighbouring properties.
- Requested conditions; removal of permitted development rights; landscaping scheme; materials to be approved prior to construction; restricted working hours; no access from Beechen Bank (and protected woodland); sustainable construction methods; Boxley Road is kept clean of building materials and should remain open; protection of amenity land from damage.

## **5.0 CONSULTATIONS**

5.01 KCC Highways – No objection

5.02 MBC Landscape – No objection, subject to landscaping condition

*The extent of the earthworks to the rear of the application site do not appear to have changed significantly since my visit back in the summer. The retaining walls being built are located outside the woodland buffer for the ancient TPO woodland that flanks the rear garden boundary. Therefore, from an arboricultural perspective there are no grounds for refusal. In respect to landscaping, I would want to see the usual landscaping conditions apply should you be minded to approve the application. An informative reminding the owner that any works to the trees growing within the TPO woodland toward the rear garden boundary will require formal consent is also advised.*

## **6.0 APPRAISAL**

### Principle of Development

6.01 Domestic extensions and alterations within urban areas are acceptable subject to meeting the criteria set out in policy H18 of the local plan. I would consider the main considerations involved with this application are the impact on the host dwelling, impact upon the streetscene and character of the area, impact upon neighbouring amenity and impact upon parking. These matters will be assessed in turn below. It should be noted that the appeal Inspector wasn't concerned with the aesthetics of the design of the appeal scheme, but merely the impact of the bulk and mass of the additions on the neighbouring dwellings.

### Design and Visual Amenity

6.02 Within the immediate area there is a mixed streetscene; there is considerable diversity for dwellings on the north-east side of Boxley Road, buildings appear as single, two or three storeys, there are distinctive gable features, dormers, balconies, large dwellings and smaller properties, contemporary architecture and more traditional architecture, as well as visible parking areas, garages and driveways.

6.03 Whilst the proposed two storey front extension and addition of a second storey would change the character of the dwelling, its outward appearance would be that of a replacement dwelling. In this instance a two storey dwelling in an urban area would

be considered acceptable in principle as there is no conformity to the streetscene. As noted above, there is no fixed character to the streetscene and a neighbouring dwelling 'Westwell' to the south-east of the site has a similar projecting gable glazed element to the proposed front extension.

- 6.04 I do not consider the scale of the proposed extensions to Bethany would be incongruous to the host property of the wider area. Regarding the building line, the proposal would exceed the common building line of its nearest neighbours (Hazelwood and Peradeniya), but would have a similar building line to neighbouring properties such as Safari, Nutwood or Cola along this side of Boxley Road, and therefore I am satisfied the front extension would not cause harm to the character of the area. The dwelling would be finished with a mix of facing brickwork, roof tiles, aluminium and PVC windows and PVC doors. I would consider it appropriate to request details/samples of materials to ensure a satisfactory finish for the development.
- 6.05 The character of the frontage to these dwellings on Boxley Road is also mixed, and includes front gardens, paved driveways and garages. The proposed parking area would be finished in block paving, with retaining walls and are similar to other visible parking areas within the streetscene. The addition of trees/shrubbery along the back wall of the parking area will soften the visual impact of the retaining wall and will be secured by a condition. The alterations to the garage are minor changes and would not harmfully impact the character of the area in my view.
- 6.06 The application has been amended to omit the upper tier of the garden which is partially under construction. This amendment has been sought by Officers due to the levels of the site which result in that upper tier being unduly dominant, not just for the extended dwelling but the adjacent neighbours. This upper area can be conditioned to be restored to its former, sloped appearance to ensure that this additional "build out" within the garden is not retained within the site. I am satisfied that the lower tier, which features central stairs and two patio areas to the side of the staircase would be no worse than the previous sloped garden and part patio which existed within the site prior to the application. Given the lower tier of engineering within the garden is located to the rear of the dwelling, and neighbouring garden areas have similar developments close to their rear building line, I am satisfied the proposal, as amended, would not detrimentally impact upon the appearance of the site or wider area.

### **Residential Amenity**

- 6.07 The previous application (ref: 15/501654/FULL) was refused as it was considered to have an overbearing and unneighbourly impact on the residential amenities of the adjoining properties (Hazelwood and Peradeniya) due to rear extensions excessive rearward projection, height and proximity to the side boundaries.
- 6.08 The rear extension element of the proposal has been removed from this scheme. The addition of the second storey on the rear part of the house includes a flat roof dormer, but would not extend beyond the rear part of the dwelling (as the appeal scheme did), and maintains the common rear building line with the adjoining neighbours. Given the relative building lines and in the absence of side windows serving habitable rooms on the adjoining neighbours (Hazelwood and Peradeniya) I am satisfied the proposal would not result in an overbearing impact upon neighbouring properties, and a suitable outlook would remain to ensure there is no significant harm to the amenities of these neighbours.

- 6.09 In terms of loss of light, the proposal would pass the BRE 45° light tests for the adjoining neighbours, a sun study has also been provided as part of the application. Given the relative building lines, and gap between the proposal site and adjoining two-storey neighbours, I am satisfied there would be no significant harm in terms of loss of light or overshadowing.
- 6.10 In terms of privacy, there are no first floor side windows which face either adjoining neighbour. The scheme would introduce new dormer windows to the rear of Bethany. There is already a degree of mutual overlooking between properties along Boxley Road, and any views from the new windows to neighbouring dwellings would be at oblique angles. Thus, there would not be any material change to the levels of privacy experienced by existing neighbouring occupants.
- 6.11 The amended (reduced) rear excavation works to the garden area of Bethany would create a staggered garden level. The neighbouring properties along Boxley Road have garden areas which are steeply sloped to the rear, and surrounding rear gardens have elements of land cut back to provide level patio areas, useable amenity areas, and staggered rear garden areas. As such there is already a degree of mutual overlooking from garden areas and the rear elevations of properties along Boxley Road. There is existing dense hedging/shrubbery along the boundary lines with adjoining neighbours, I would consider this is sufficient to ensure there is no significant harm in terms of privacy. I am satisfied the rear garden works would cause no significant harm in terms of loss of light or outlook. It should be added that the now omitted, upper tier of engineered garden would have resulted in a significant loss of privacy to both neighbours, which is why Officers have sought the removal of this additional raised level within the garden.
- 6.12 An objection has been received from a neighbouring property opposite the proposal site as No. 13 Leybourne Close regarding overlooking. There is a gap of approximately 27m between the front elevation of the proposed extension and rear boundary line of No. 13 Leybourne Close. There is an established tree line opposite the proposal site, along the boundary between Boxley Road and the rear of properties along Leybourne Close. Due to the separation distance of 27m, and existing screening I am satisfied there would be no significant harm in terms of overlooking to no. 13 Leybourne Close.

### **Highways**

- 6.13 The alterations to the garage result in the loss of one parking space for the site, however the proposed parking area would increase parking provision for the site, providing four car parking spaces for the four bedroom dwelling. This part of Boxley Road is a narrow unclassified road with limited space for on-road parking. The proposed off-road parking area would reduce the need for the occupants to park on the narrow road, and thus would be an improvement. I am satisfied there would be adequate car parking provision within the curtilage of the dwellinghouse in accordance with Policy H18 of the Maidstone Borough Wide Local Plan. I am satisfied that this scheme would not have a detrimental impact upon highway safety and I raise no objection in this respect.

### **Landscaping**

- 6.14 With regard to the rear excavation works, the retaining walls are being built outside of the woodland buffer for the ancient TPO woodland along the rear boundary of the site. As such the Landscape Officer raises no objection to the proposed works. The applicant will be reminded via an informative that any works to the trees growing

within the TPO woodland toward the rear garden boundary will require formal consent.

- 6.15 With regard to landscaping to the front of the dwelling, the parking area will result in the loss of a front garden area. The submitted plans show trees/shrubbery located against the rear wall of the car parking area, which will help soften the visual impact of this retaining wall. The details of this landscaping will be sought via a landscaping condition.

#### **Other Matters**

- 6.16 Issues relating to disturbance from construction activities/vehicles and damage to property are not planning considerations which can be taken into account. The Parish has raised concerns in relation to the garage being in residential use, I saw no evidence of this on my site visit. The Parish have also raised concerns in relation to ensuring the trees in the woodland TPO are protected during construction and that no access is provided to the site through these trees. The property only has access off Boxley Road and, as such I see no ability for the applicant to utilise the woodland to the rear to gain access to the site. The tree survey has demonstrated that the works would not be within the root protection zones of the woodland TPO'd trees and, as such their amenity will be protected. Building Control would, either through the Council's department or via an Approved Inspector ensure the development is constructed in a safe manner and this is not a material planning consideration. The LPA cannot require the road to be kept clear of mud and rubble as the operational use of the highway is not a planning matter and would fall to KCC to enforce. The parish have requested the removal of Permitted Development Rights and I agree with this request due to the levels on the site and the proximity of the extensions hereby approved to the boundaries of the site.

### **7.0 CONCLUSION**

- 7.01 The amendments to the scheme and removal of the projecting rear extension ensures the proposal does not result in an overbearing or unneighbourly impact upon the adjoining properties either side, thus overcoming the reason for refusal outlined in 15/501654/FULL and upheld by the Inspector.
- 7.02 For the reasons stated above, the application is considered to be acceptable and accords with the adopted local plan policies, emerging local plan policies and accords with the principles of the NPPF. As such I recommend approval subject to conditions.

### **8.0 RECOMMENDATION – GRANT Subject to the following conditions**

CONDITIONS to include

1. The development of the extensions hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Prior to any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces hereby permitted have been submitted to and approved

in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

3. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

4. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include details of planting within the parking area and any other landscaping within the site.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

6. The development hereby permitted shall be carried out in accordance with the following approved plans. 00011/2 Rev B, 00022/3 rev B and 00022/2 Rev B received on 30.01.17.

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

7. Within six months of date of this permission, the partly constructed, reinforced upper tier of garden, shall be removed from the site and the land regraded in accordance with drawing number 00022/3 Rev B received on 30.01.17, all arisings from the removal of the reinforced wall and regrading works shall be removed from the site.

Reason: In the interests of visual and residential amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modification), no new fences, gates, walls or other means of enclosure shall be erected without the prior written approval of the Local Planning



## Planning Committee Report

Authority.

Reason: In the interests of visual and residential amenity.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling other than hereby approved, including any additions or alterations to the roof, or erection of domestic outbuildings without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

### INFORMATIVES

None

Case Officer: Lucy Harvey

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.