

<b>REFERENCE NO -</b> 19/500558/FULL		
<b>APPLICATION PROPOSAL</b> Part demolition of existing dwelling together with erection of a part single and part two storey front, side and rear extension.		
<b>ADDRESS</b> The Cottage Hampstead Lane Yalding Kent ME18 6HG		
<b>RECOMMENDATION</b> Approval		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed extension accords with local plan policy and the submission has been designed with reference to the location of the dwelling within a designated flood zone.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The recommendation is contrary to the views of Yalding Parish Council.		
<b>WARD</b> Marden And Yalding	<b>PARISH/TOWN COUNCIL</b> Yalding	<b>APPLICANT</b> Mr Mark Reeves <b>AGENT</b> MKA Architects Ltd
<b>TARGET DECISION DATE</b> 29/05/19	<b>PUBLICITY EXPIRY DATE</b> 30/04/19	

**Relevant Planning History**

No previous planning history for The Cottage.

**Neighbouring Properties:**

**18/502006/FULL** - Riverside Cottage, Hampstead Lane, Yalding, ME18 6HG - Demolition of existing single storey conservatory extension and erection of a two storey side extension with alterations to fenestration – Approved 03.10.2018

**15/506219/FULL** - The Bungalow, Hampstead Lane, Yalding, ME18 6HG - Proposed replacement of existing 3 bedroom bungalow with a new 3 bedroom detached flood resilient dwelling with all main living and sleeping accommodation on first and second floors – Approved 16.11.2015

**Enforcement History:**

None.

**Appeal History:**

None.

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

1.01 The Cottage is located to the southern side of Hampstead Lane and lies outside of the settlement boundary. The site comprises a 2-storey dwelling and its principal elevation is located to the western side of the property. The present internal arrangement comprises a kitchen, dining room, lounge and bathroom on the ground floor and 3 bedrooms to the first floor. There is a grassed area to the front that is used for parking and there is a garden of 14m in length to the rear. The end of the rear garden directly abuts the river.

- 1.02 Directly to the east of The Cottage at a distance of 5.5m is a detached bungalow known as Mariner. To the west there is a boundary with another dwelling known as The Bungalow. The original bungalow is located 4.5m from the rear western corner of The Cottage which was the subject of a full planning application for a replacement house positioned closer to the road. This dwelling has now been completed and presently, there are 2 dwellings on the site although the planning permission includes a condition that stipulates that the original bungalow must be demolished within 3 months of the replacement dwelling being occupied.
- 1.03 This part of Hampstead Lane is within Environment Agency Flood Zone 3.
- 1.04 As originally submitted, there was an error on the red line site location plan which has now been corrected. Accordingly, the application has been re-validated and a new consultation process has been conducted.

## 2. **PROPOSAL**

- 2.01 This is a full planning application that seeks permission to demolish the eastern section of the dwelling and replace it with a 2-storey extension that will be located 0.9m from the boundary with Mariner. There will also be a part single/part 2-storey extension to the rear. The single storey element will project 6.1m from the southern elevation of the building and the first floor element will be 3m and will feature a Juliet balcony. The existing entrance to the dwelling on the western elevation will be bricked up in materials to match the existing and the door repositioned to the northern elevation, facing onto Hampstead Lane.
- 2.02 Internally, the accommodation will provide a kitchen, utility room, lounge diner, snug and a study on the ground floor and four bedrooms and a bathroom to the first floor. The exterior has been designed to reflect the character and proportions of the original dwelling but to contrast the side and rear extension by finishing with zinc cladding with an upstanding seam. The plans indicate that there will be 2 off-street parking spaces to the front.
- 2.03 The application is submitted with a flood risk assessment which identifies that the site is within flood zone 3 and is at high risk of flooding. The report indicates that the proposed extensions have been designed in accordance with the requirements of the Environment Agency's standing advice. As such, the finished floor levels will not be any lower than the existing and flood proofing will be incorporated within the structure. The report concludes that the proposal will be safe in terms of flood risk and will not increase the flood risk elsewhere. In addition, the applicants have indicated their acceptance of a condition requiring the submission of details of flood prevention measures to be incorporated within the building and that these will be provided prior to the commencement of any works.

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

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: SP17; DM1; DM30; DM32  
Supplementary Planning Documents: Residential Extensions (2009)

## 4. **LOCAL REPRESENTATIONS**

- 4.01 Yalding Parish Council: Object to this planning application. The property is situated in a Flood Zone 3 in close proximity to the River Medway, a main water course, and can be subject to severe flooding. This application seeks to increase the number of bedrooms from three to five thus increasing the number of people at risk during

times of severe flooding. Of most particular concern is the proposal for a ground floor bedroom. It is essential that the Environment Agency is consulted and its recommendations acted upon. This application is contrary to the Maidstone Local Plan and the NPPF and should therefore be refused. If officers are of a mind to approve this application, Yalding Parish Council request it be put to the planning committee.

- 4.02 No representations were received in the consultations that were undertaken when the application was originally validated. As a consequence of an alteration to the red line area, the application has had to be re-validated and a new consultation process has been carried out. Should any responses be received, they will be reported in the update to the meeting.

## 5. **CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

### KCC Public Rights of Way Officer

- 5.01 Public Rights of Way KM186 footpath runs outside the northern boundary of the site but acts as the main track to the property and should not affect the application.

### Environment Agency

- 5.02 We have no objection in principle to the extension at the property on the basis ground floor sleeping accommodation is no longer proposed as shown on drawing number 05/B dated December 2018.
- 5.03 However, as the property will be at risk of flooding we recommend a condition to ensure the existing dwelling and proposed extension will include sufficient flood protection measures to minimise the risk of internal flooding.
- 5.04 The property is included in the Middle Medway Flood Resilient Scheme, which involves installation of flood protection measures to certain properties at risk from flooding in this area. This project is underway and due to be completed during autumn 2019. For this property, we are able to fund measures as part of the existing property but any additional measures required as a result of the extension such as a flood resilient patio door, will need to be funded by the applicant.

- 5.05 We recommend the following condition:

No development shall take place until details of property flood resistance measures, certified to PAS 1188 or the latest equivalent kitemark specification, are submitted and approved in writing by the local authority.

Reason: To minimise the risk of internal flooding.

## 6. **APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- The design and impact of the proposed extension;
  - The issues relating to the flood risk associated with the site.

### **Design and Impact**

- 6.02 The Cottage is located in a part of Hampstead Lane that is characterised by residential dwellings, all of which are different in design and stature. Policy DM32 of the Local Plan is supportive of extensions to dwellings in the countryside provided that the proposal is well designed, relates sympathetically to the existing dwelling and is visually acceptable. Mariner to the east is a bungalow and the replacement dwelling to the west is a large 2-storey house with accommodation in the roof space. The proposed design is reflective of the original house but uses contemporary materials to alter the overall appearance of the property. Given the mix of building styles and sizes along this part of Hampstead Lane, the resulting property will appear appropriate in the general views of the street and in the wider views from the other side of the river.
- 6.03 The extension has been designed with reference to the relationship with the neighbouring dwellings. In terms of Mariner to the east, there is a staggered relationship between the properties, and the extension has been designed so that it does not result in an overbearing impact or loss of privacy. The front elevation has been designed with an angle to prevent any issues of overlooking. Similarly, there is a distance of 10.4m between The Cottage and The Bungalow. There are windows on the ground floor flank elevation of The Bungalow facing The Cottage and the approved plans indicate that these windows relate to a workshop. I therefore consider this relationship to also be acceptable.
- 6.04 In conclusion on this issue, the design and scale of the extension will somewhat alter the appearance of The Cottage but in the context of the character and proportions of neighbouring dwellings, there will be no adverse visual impact as a result of this scheme. Furthermore, the proposal will not introduce loss of amenity issues that would merit a recommendation of refusal. Accordingly, the proposal complies with the requirements of policy DM32 of the Local Plan. I do however recommend the imposition of a condition that prevents the flat roof area of the single storey rear extension from being used as a terrace or roof garden so as to protect the amenities of the neighbouring householders going forward.

### **Flooding**

- 6.05 The Cottage is located within a designated flood zone and the provision of enlarged accommodation in this type of location is a cause of concern to Yalding Parish Council. The size of the proposed extension is such that the standing advice of the Environment Agency (EA) can be applied, however at the request of the Parish Council, a formal consultation process was also undertaken.
- 6.06 Initially, the proposed floor plans indicated that there would be a bedroom on the ground floor of the extension at the front of the property. The agent was advised that this would not be acceptable given the flood risks of the site and it was agreed that this would be removed from the scheme. The floor plans have been amended and now indicate that the bedroom has been replaced with a study. All sleeping accommodation will now be located on the first floor. Accordingly, the EA have indicated that this amendment is acceptable and they raise no objection to the proposal subject to the imposition of a condition requiring the submission of details of flood preventative measures to be incorporated within the building prior to the commencement of any works. The applicant has agreed to this condition. I also suggest the imposition of a condition that prevents the provision of sleeping accommodation on the ground floor of the property at any time.
- 6.07 The issue of flooding has been thoroughly explored in the assessment of this proposal and there are conditions that can be attached to the permission to ensure

that the relevant measures in this regard are incorporated and maintained. I therefore consider that as this issue can be appropriately addressed, there are no material reasons to make a recommendation of refusal based on the flood risks of the site.

### **Other Matters**

- 6.08 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

## **7. CONCLUSION**

- 7.01 The proposed extensions and alterations to The Cottage are visually acceptable and will not result in unacceptable relationships with the neighbouring householders. The issue of flooding has been raised as a serious concern by the Parish Council and has been explored in detail. Given that conditions can ensure that flood prevention measures are incorporated within the building, and in the absence of an objection from the EA, it would appear that any issues associated with flooding can be satisfactorily overcome.
- 7.02 The application has had to be re-validated given that the red line site area has been amended and this has necessitated a new consultation process which is presently underway. In the circumstances, it is requested that delegated authority is given to officers to grant approval of this application, subject to no new issues being raised.

## **8. RECOMMENDATION**

The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out below, subject to no new issues being put forward in the current consultation process.

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 development hereby permitted shall be carried out in accordance with the following approved plans: DAT/9.0; DAT/9.1; 2151/05/C (received 03.04.2019); 2151/06B; Flood Risk Assessment.

Reason: To clarify which plans have been approved.

3. The materials to be used in the development hereby approved shall be as indicated on the application submission unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

4. No development shall take place until details of property flood resistance measures, certified to PAS 1188 or the latest equivalent kitemark specification, are submitted to and approved in writing by the local planning authority and the approved measures shall be implemented and permanently maintained.

Reason: To minimise the risk of internal flooding.

5. There shall be no sleeping accommodation provided on the ground floor of the property at any time.

Reason: In the interests of safety given the location of the property within a designated flood zone.

6. The roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority;

Reason: To prevent overlooking of adjoining properties and to protect the privacy of the occupiers.

#### INFORMATIVE

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Georgina Quinn