

REFERENCE NO – 20/505808/FULL		
APPLICATION PROPOSAL Section 73 - Application for variation of condition 2 (materials) and minor material amendment to approved plans condition 9 (to allow changes to materials and fenestration, the addition of solar panels and replacement of rear gable with rear dormer) pursuant to 15/506025/FULL for - New attached single residential development.		
ADDRESS Land Adjacent 2 School Lane, Maidstone, Kent, ME15 8DU		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The amended materials and replacement rear dormer on the revised scheme is of an appropriate design, bulk and appearance.		
REASON FOR REFERRAL TO COMMITTEE The Applicant is related to an employee of Maidstone Borough Council		
WARD Shepway North	PARISH/TOWN COUNCIL	APPLICANT Mr M Cox AGENT Richard Architectural Designs
TARGET DECISION DATE 30/04/21 (EOT)		PUBLICITY EXPIRY DATE 15/02/21

Relevant Planning History:

21/500756/NMAMD: To amend the incorrect description on the decision notice for permission 15/506025/FULL. The description of the development was incorrectly approved as 'New 'detached' single residential development' when the approved scheme was for an 'attached' dwelling – APPROVED

15/506025/FULL: New detached single residential development- APPROVED

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site lies within the urban area of Maidstone, comprises the side garden of 2 School Lane, being one of a pair of ragstone rendered semi detached properties sited a short distance back from the junction of School Lane with Willington Street.
- 1.02 The site was granted planning permission in 2015 under ref:15/506025/FULL for the erection of a new attached single residential development. The original permission (15/506025/FULL) was granted with the description of the development as "New detached single residential development", however, the permission was granted on revised scheme for an attached development with approved plans as listed under Condition 10 of the decision notice illustrating the revised attached scheme. This discrepancy has been amended by way of the granting of non-materials amended under ref: 21/500756/NMAMD.

2. PROPOSAL

- 2.01 This is a section 73 application to vary condition 2 and 9 of planning permission 15/506025/FULL to allow changes to materials and fenestration, the addition of solar panels and replacement of rear gable with a rear dormer.
- 2.02 Condition 2 of permission 15/506025/FULL relating to the use of facing materials states:
"Other than the timber cladding and railings the facing materials used in the development hereby permitted shall match those of the existing building at 2 School

Lane in relation to materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

Reason: In the interests of visual amenity."

2.03 The approved plans as listed under condition 9 and proposed elevation drawings are shown below in Figure 1, 2 and 3. In response to the concerns raised regarding the use of full timber cladding to the new dwelling and excessive scale of the rear dormer, the Applicant provided revised scheme on 8 April 2021. In addressing these issues the current proposal in comparison to the previous approved scheme includes:

- The insertion of yellow brick section to the edge of the building and fenestrations to the front and forward side façade
- The rendering of the full yellow brickwork to the rear side and rear elevations
- Replacement of the rear gabled roof to a flat roof rear dormer
- Insertion of a ground floor side patio door and window, and a loft level side circular window
- Installation of solar panels on the roof

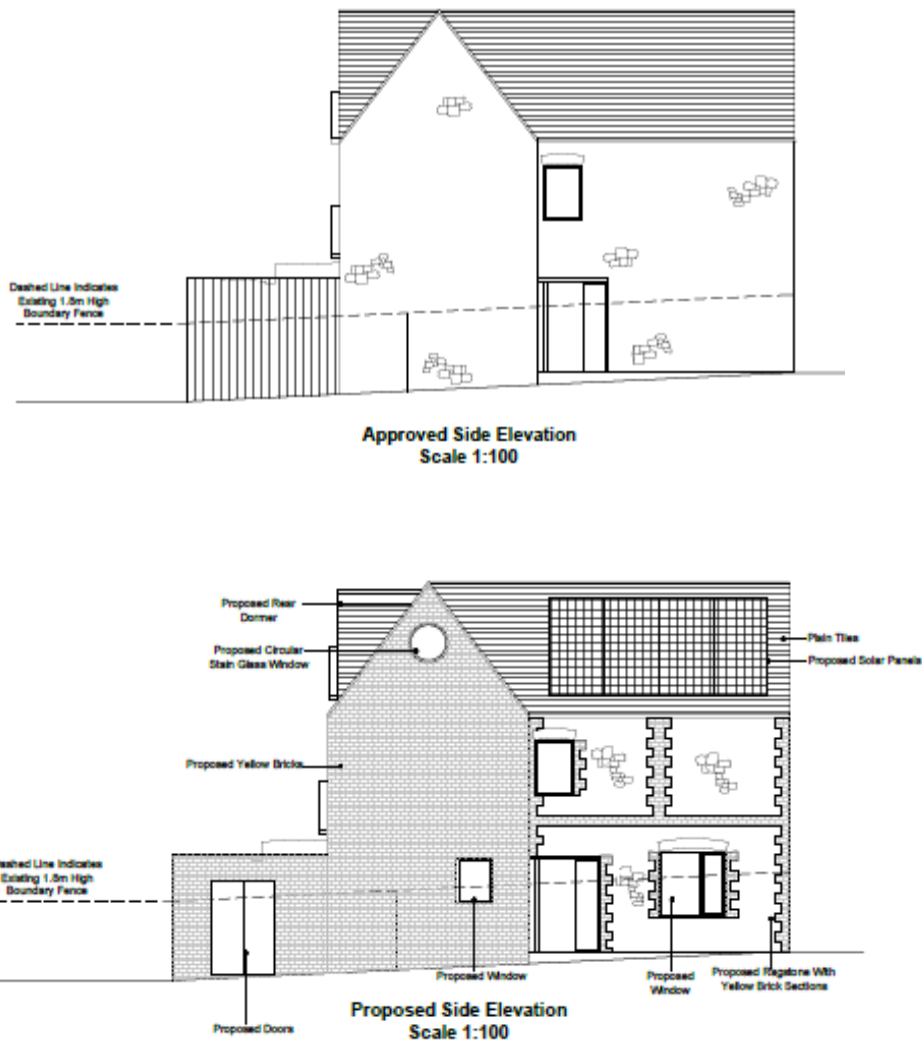
Figure 1. As approved and now proposed front elevation



Figure 2. As approved and now proposed rear elevations



Figure 3. As approved and now proposed side elevations



3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:
DM1- Principles of good design
DM2- Sustainable design

Supplementary Planning Documents:

- Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 4 representations received from local residents objecting to the proposal raising the following (summarised) issues:

COMMENTS RECEIVED	OFFICER'S RESPONSE
<ul style="list-style-type: none"> ▪ The amended scheme with additional fenestration, floor space and elevation of the roof go beyond the remit of a S.73 application and should be encompassed within a full planning application. ▪ The proposed weatherboarding in place of the original ragstone is harmful to the visual amenity of the attached ragstone cottages and the wider streetscene ▪ The proposed side circular window is an incongruous architectural detail that is out of keeping with the character of the streetscene and adjacent dwellings ▪ The rear flat roof dormer with full height and width is an architectural travesty and also significantly overlook to adjacent residential private amenity space ▪ Neighbours were not being consulted on the revised scheme 	<ul style="list-style-type: none"> ▪ There is no statutory definition for what constitute a 'minor material amendment'. The assessment of this current S73 application on the amended proposal would be the same as it would be assessed under a full planning application. ▪ The Applicant has provided on revised scheme to retain the use of ragstone on the front and part side elevations as much as possible with the insertion of matching yellow brick to the host cottage. ▪ The design aspects of fenestration would be discussed in the appraisal section below. ▪ The Applicant has provided on revised scheme sufficient set back from eaves and set down from ridge for the rear dormer. The matter of overlooking would be discussed in the appraisal section below. ▪ There is no statutory requirement for further public consultation. Notwithstanding this situation, neighbours can still submit their comments and they will also be given opportunity to present their comment on Planning Committee if they wish to to ensure their representation are being considered for the determination of the application by Members.

5. CONSULTATIONS

5.01 KCC Highways

Does not meet the criteria to warrant involvement

6. APPRAISAL

Main Issues

6.01 The application seeks a minor material amendment to the previously approved application (15/506025/FULL). This to allow the amendment of condition 2 to allow a change in external materials and to condition 9 for the design of the replacement roof dormer, insertion and modification of fenestration and solar panel.

6.02 The principle of development for the new dwelling has been established and approved, the acceptability of the proposed amendment to the approved scheme will therefore be based on its visual and amenity impact subject to the criteria of DM1 and DM9 of the Local Plan.

Visual amenity

6.03 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage.

6.04 Local plan policy DM9 seeks to permit the extension of dwellings where 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, the traditional boundary treatment of an area would be retained and, where feasible, reinforced, the privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

6.05 The Applicant has stated in the submitted cover letter it is financially unviable to use full ragstone and Kent peg tiles for the implementation of the approved scheme. On further email correspondence, the Applicant has stated the construction of ragstone walls are basically solid wall, under building regulations now there must be a cavity wall which is not possible with a full ragstone wall so the new ragstone buildings will need to have brick sections with the ragstone infilling between to achieve a cavity wall. Given the financial and architectural restrictions, it is reasonable to find appropriate alternatives for the implementation of the approved new dwelling.

6.06 The replacement of the approved ragstone building to full timber cladding was originally submitted for consideration. The Applicant submitted a revised scheme on 8 April 2021 demonstrating the retention of ragstone to the front and side elevations with the insertion of matching yellow bricks of adjoining ragstone cottage to the edge of the fenestrations and buildings. It is acknowledged the attached ragstone cottage has yellow bricks around the fenestration, hence the insertion of matching yellow bricks is considered to be acceptable and in keeping with the character of the ragstone cottages and would not materially deviate from the approved scheme.

6.07 The approved scheme includes timber cladding to the extended ground floor part of the new dwelling. The proposed replacement of full matching yellow brickwork to the rear side and rear elevations is considered to be sympathetic to the pair of cottages which consists of yellow brickwork, and this section of full yellow brickwork building would be significantly set back from the front elevation and not highly visible from the streetscene.

- 6.08 In regard to the replacement of a flat roof rear dormer to the approved gabled roof, the Applicant has explained the reason for the amendment is due to restricted head height of the habitable room from the gabled roof. A flat roof dormer extending in full width and height to the roof was originally submitted, this original scheme is considered to be unacceptable with an appearance of a three storey flat at the rear.
- 6.09 Officer discussion with the applicant secured a revised scheme, the rear dormer would be set down from ridge, set back from eaves and set away from the side of the roof in accordance to guidance from the Residential Extensions Supplementary Planning Document (adopted May 2009). The loss of gabled roof is not considered to materially affect the overall character of the attached dwelling given it is to the rear where it is not visible from the street and would be constructed with hanging tiles matching with the roof tiles.
- 6.10 The use of solar panels for the new dwelling is supported in the NPPF that encourages the use of green energy. The solar panels would be installed to the side roof and would not result in any harmful visual impact to the host dwelling and wider streetscene.
- 6.11 The additional side circular stain glass window in the loft would be centrally positioned under the gabled roof. The new window is proportionate to the size of the roof and the use of stain glass is not an entirely irregular feature on period buildings. It would be to side of the building significantly set back from the front. The circular windows would not be harmful to the overall character of the building and streetscene.

Residential amenity

- 6.12 Concerns have been raised by neighbours in regards to overlooking from the patio windows on the rear dormer and the three side windows. The approved scheme, as shown in Figure 2, consist of a Juliette balcony window on the loft level.
- 6.13 The proposed patio window on the rear dormer, whilst it is slightly wider, it would share similar views to the approved scheme. The amended scheme would not result in loss of privacy to neighbouring amenity space over and above what has been approved.
- 6.14 Turning to the ground floor side windows, one of which would be obscure glazed serving a WC and the proposed side patio door would be screened by the 1.8m high boundary fence to the adjacent property.
- 6.15 Overall although the relationship with neighbouring properties would be altered no undue harm would result to residential amenity and there are no grounds to warrant refusal of the application on these grounds.

7. CONCLUSION

- 7.01 The impact upon visual amenity is not significant given the use of matching yellow brickwork which is in keeping to the attached pair of ragstone cottages. The replacement rear dormer is sympathetic to the roof form.
- 7.02 The proposal would assist in the provision of an appropriately design dwelling at this sustainable location in accordance with the national and local plan policies. I do not consider there are justifiable material planning reasons to withheld granting permission.

8. 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 development approved shall be as indicated on the approved Proposed Plans and Elevations, No. PA1443/01 Rev H received on 8 April 2021 matching to those of the existing building at 2 School Lane.

Reason: In the interests of visual amenity.

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A (which includes the installation of any windows other than already approved) and B to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard privacy.

(4) The dwelling hereby approved shall not be occupied until the parking area to serve the proposed dwelling shown on drawing no:091 rev A has first been provided. The parking area shall be retained at all times thereafter with no impediment to its use.

Reason: In the interests of highway safety and the free flow of traffic.

(5) The dwelling hereby approved shall not be occupied until the first floor window on the side elevation has first been fitted with obscured glazing and limiters installed to ensure that no part of the window can open more than 150mm in any direction, with the window retained as such permanently thereafter. No new windows or openings shall be formed on the side elevation of the dwelling.

Reason: In the interests of privacy.

(6) The area of the proposed access and parking area within 5 metres of the back edge of the public pavement highway shall be surfaced in a bound material.

Reason: In the interests of visual amenity and pedestrian safety.

(7) Any gates to the proposed new access shall not open over the adjacent highway and shall be set back at least 5.5 metres from the edge of the carriageway.

Reason: In the interests of highway safety and the free flow of traffic.

(8) The development shall not be occupied until the existing redundant crossover has been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles.

(9) The development hereby approved shall be carried out in accordance with the following plans being:

Proposed Plans and Elevations, No. PA1443/01 Rev H received on 8 April 2021

Reason: In the interests of amenity.

(10) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

(11) Prior to first occupation of the dwelling a scheme for the enhancement of biodiversity on the site shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the development such as

native species planting or installation of bat/bird nest boxes. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

(12) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed with the charging point thereafter retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

Case Officer: Michelle Kwok