

REFERENCE NO - 21/504210/FULL		
APPLICATION PROPOSAL Demolition of conservatory and erection of single storey rear/side extension.		
ADDRESS 3 The Bungalows Church Street Teston Maidstone Kent ME18 5AH		
RECOMMENDATION : GRANT planning permission subject to the conditions set out in Section 8.0		
SUMMARY OF REASONS FOR RECOMMENDATION The site is located outside the settlement boundary, and within the countryside, where proposals involving residential extensions are permitted if it compliant with other relevant Local Plan Policies. As well as this, the site is located within the Teston Conservation Area. The proposal has been assessed against the relevant policies as well as reviewing comments received from the Conservation Officer. Key policies which have been taken into account include Policies SP17, SP18, DM1, DM4, DM30 and DM32 of the Maidstone Borough Local Plan. The proposal is recommended for approval as it seeks to replace an existing conservatory which adds no value to the existing site and its location. The proposed conservatory is considered to be acceptable within the countryside location and respects the setting of the Conservation Area.		
REASON FOR REFERRAL TO COMMITTEE Teston Parish Council commented on the application and objected due to a number of reasons which are outlined in this report. In particular, the Parish Council called in the application if their recommendation to include a condition removing Permitted Development Rights and limitation on the flexibility of dimensions are not included. The Parish Council were emailed that the Conservation Officer did not object. However, they confirmed that they will stand with their objection.		
WARD Barming And Teston	PARISH/TOWN COUNCIL Teston	APPLICANT Mr Sam Older AGENT Essan-K Planning Ltd
TARGET DECISION DATE 11/10/21 (EOT to be agreed)		PUBLICITY EXPIRY DATE 16/9/21

Relevant planning history

- 15/507703/FULL - Loft conversion with 3 No. rooflights to front elevation and small pitched roof dormer with 2 No. rooflights to rear elevation. Approved on 15.12.2015.
- 17/502238/SUB - Submission of Details to Discharge Condition 3 (Materials) Subject to 15/507703/FULL. Approved on 05.06.2017.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located outside the settlement boundaries and falls within Parish of Teston. The site is located some 17m north of Church Street and some 37m east of Malling Road.

- 1.02 The surrounding area is predominantly residential, characterised by one to three-storey detached and semi-detached dwellings, predominantly with pitched roofs. To the west, south-west and south of the site are 2, 1 and 4 The Bungalows respectively.
- 1.03 The site contains a chalet styled bungalow, with dormer windows on the northern and southern roof slope.
- 1.04 The existing dwelling contains a lounge, a w/c, two bedrooms and a kitchen on the ground floor. The kitchen adjoins to a pantry and the conservatory, which is located on the north elevation. The existing conservatory has a flat roof structure with windows across all three elevations.
- 1.05 The site is located within the Teston Conservation Area. There are a number of listed buildings located in the vicinity of the site, however as outlined below, the application site is a reasonable distance from the listed buildings, such that the proposed development is not considered to be within the setting of the listed buildings. These include the following:
- 1 and 2, Church Street – Grade II Listed (list entry number 1251055), located some 10m south-east of the site.
 - 3, 4 and 5 Church Street – Grade II Listed (list entry number: 1251068), located some 20m south-east of the site.
 - The Post Office Stores and House Attached – Grade II Listed (list entry number: 1251050), located some 20m south-west of the site.
 - Becketts Croft – Grade II Listed (list entry number: 1251167), located some 35m north-west of the site.

2. PROPOSAL

- 2.01 The applicant seeks planning permission to demolish the existing conservatory, located on the northern elevation and to erect a single storey side and rear extension.
- 2.02 To accommodate the new extension, the proposal also involves demolishing the existing pantry located between the kitchen and the conservatory.
- 2.03 The proposed extension would be approximately 3.9m wide and 3.5m in length from edge of the host dwelling, with pitched roof and two velux windows. The eastern elevation will contain double glazed French doors and the northern elevation will contain double glazed windows. The western elevation will be formed of facing brickwork and no windows or door are proposed on this elevation.
- 2.04 The proposed materials for the roof are plain tiles with the style and colour to match existing main roof. The Vent tiles are to be Marley Ridge Fast System and the bricks will be matched to the existing.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: Policy SP17, SP18, DM1, DM4, DM30 and DM32.
- Maidstone Borough Policies Map
- Maidstone Residential Extensions SPD (2009)
- National Planning Policy Framework (NPPF): Chapters 2, 4, 12 and 16.
- National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

2 objections were received from the neighbours at The Lodge and no. 2 The Bungalows.

4.01 The objections can be summarised as follows:

- Loss of light upon no.2 Bungalows due to the high roof and solid brick wall.
- This would set a precedent for other proposals.
- Concern regarding highway safety and parking.
- Design - Aluminium style is not in keeping with the surrounding area and breaches the conservation rules. Roofline would be higher than the front elevation.
- Planning application 15/507703/FULL. has never been completed in line with the agreed proposal and in our opinion this work should be completed fully before any other planning application is even considered.
- What guarantees are there that these new proposals will be carried out as per the application?
- Reduction in privacy due to roofline increasing.
- Proposed ground floor plan (5325206.pdf) states "dimensions flexible subject to calculation of roof geometry and final flank wall location", this could lead to an even more unsightly extension.
- Disrupt the character of Teston.

Teston Parish Council

4.02 Teston Parish Council objected to the proposal. Their objection is summarised as follows:

4.03 Materials should match the existing building and suggested a condition is applied.

4.04 Raised concern that plans stated, "Dimensions flexible subject to calculation of roof geometry and final flank wall location" and requested a condition be applied that dimensions should not be increased by more than 1% of dimensions stated in the drawing.

4.05 Requested that a condition is applied that the existing driveway is retained for car parking and that PDR are removed.

4.06 In summary, if the Conservation Officer objects, so do we. Unless flexibility of dimensions is bounded and PDR removed, we object and, as appropriate, would wish to attend and speak at Planning Committee.

5. CONSULTATIONS

Conservation Officer

5.01 *"The bungalows are within the Teston conservation area though they are not individually or group listed. There is currently no Appraisal or Management Plan for the conservation area but the Local Plan (at DM4) requires that development proposals do not harm the character of a conservation area and where possible enhance it. The policy does not stipulate whether the style of design should match the existing or provide a contrast to it only that it should be of high quality. It seems to me that this application is entirely in compliance with the local plan and I therefore do not raise any objection on heritage grounds"*

5.02 When asked if the Conversation Officer would want to recommend any conditions as the Parish Council objected, the Conservation Officer Stated:

5.03 *"The application states that brickwork and roof tiles will match the existing. The only thing you might condition is to say that the colour of the window and door frames and rainwater goods should also match the existing.*

KCC County Archaeologist

5.04 No comments received.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of the development
 - Impact on Historic Environment and Surrounding Area
 - Residential Amenity
 - Car Parking and Highways

Principle of development

- 6.02 The presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 9 of the NPPF states “planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”
- 6.03 Paragraph 47 of the NPPF requires “applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”
- 6.04 Maidstone Local Plan (2017) is the development plan and the principle of the development is considered on the basis that the proposal involves a residential extension located within the countryside.
- 6.05 Policy SP17 of the Maidstone Local Plan (2017) defines the countryside as all those part of the plan area outside settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the polices map. The Policy states that development proposals in the countryside will not be permitted unless they accord with other policies from the Maidstone Local Plan and that the proposal will not result in harm to the character and appearance of the area.
- 6.06 Policy DM32 of the Local Plan states that proposals to extend dwellings in the countryside will be permitted:
- i. “The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling;*
 - ii. The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside;*
 - iii. The proposal would not create a separate dwelling or one of a scale or type of accommodation that is capable of being used as a separate dwelling; and*
 - iv. Proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.”*
- 6.07 As highlighted above, Policy DM32 does not restrict proposals for extensions within the countryside. However, parts (i), (ii), (iii) and (iv) of the Policy requires that extensions are sympathetically designed in relation to the existing dwelling, should be visually acceptable in the countryside and would not result in creating a separate

dwelling. Additionally, Policy SP17 also does not restrict proposals in the countryside provided it is compliant with other Policies of the Local Plan. The proposed development is therefore acceptable in principle.

Impact on Historic Environment and the Surrounding Area

- 6.08 Chapter 12 of the NPPF states that “good design is a key aspect of sustainable development”, developments are required to be “sympathetic to local character and history, including the surrounding built environment and landscape setting”.
- 6.09 Chapter 16 of the NPPF seeks to protect and enhance heritage assets and requires planning decisions to consider the impact of the proposed development on the significance of a designated heritage asset.
- 6.10 Policy SP18 of the Maidstone Local Plan states that “the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced.”
- 6.11 Policy DM1 states that proposal should “respond positively to, and where possible enhance, the local, natural or historic character of the area”.
- 6.12 Policy DM4 highlights that “applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.”
- 6.13 Policy DM30 states that “Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the relevant criteria will be permitted.”
- 6.14 The proposed extension, would replace the existing conservatory which measures approximately 4.1m wide and 2.8m in length, resulting in a footprint of 11.48 square metres. Whereas the proposed extension would be approximately 3.9m wide and 3.5m in length, resulting in a footprint of 13.65 square metres. The Residential Design Guide advises that on detached houses situated close to a neighbouring property, extensions should generally extend no more than 4 metres from the rear elevation. In this instance the proposal would extend 3.9m ensuring it is within the advised guidelines. The extension would therefore be marginally larger in size than the existing structure, but would remain subservient in scale, such that it would not destroy the original form of the building.
- 6.15 As the extension is 1.6m from the shared boundary, the Residential Design Guide advises that the eaves should be no more than 3 metres above the existing ground level. In this instance, the eaves are proposed to be 2.4m in height, again, falling under the measurements advised within the Residential Design Guide.
- 6.16 The proposal does however seek to introduce a pitched roof, with a maximum height of 5m. This would exceed the existing conservatories height by 2.5m as it would introduce a pitched roof. The ridge height has been increased such that the extension’s roof would flush with the existing roof. Whilst the extension would be taller than that existing, as the extension is to the rear of the property, where limited views are achieved from the wider Conservation Area the extension would have limited harm upon the Conservation Area. Whilst the ridge height of the extension would increase, it would remain subservient to the existing dwellings ridge height, thus ensuring it would not appear to dominate the existing dwelling. No objection was raised by the Conservation Officer regarding the impact of the extension upon the wider area.

- 6.17 In terms of the floor to ceiling glazed window, this would not be in keeping with the traditional Conservation Area, similarly to the existing conservatory. The window would however be on the rear elevation facing onto the occupiers own private garden and adjacent a tall brick wall. The window would not therefore be perceivable from the wider Conservation Area such that it would result in detrimental harm to the character and appearance of the wider area. The building itself is also not listed and therefore the introduction of this feature is not objected to. Again, the Conservation Officer did not raise objection to this.
- 6.18 The proposed plans highlight those matching materials will be used. The Residential Extensions SPD (2009) also highlights that “*modern materials, such as uPVC and aluminium are generally unacceptable for traditional buildings*”. This extension is however to the rear of the property, where there is currently a conservatory. Therefore, whilst the Parish Council requested traditional timber framed windows, this would be unreasonable given the existing context, and that the extension is to the rear of the property well obscured from the street scene. No objection is therefore raised to the materials proposed, and a condition is recommended to ensure matching materials are used, including the colour of the window and door frames and rainwater goods match the existing as recommended by the Conservation Officer.
- 6.19 With regards to the loss of the conservatory, this element of the property does not provide any positive contribution to the conservation area character or its host building. As such, no objection is raised to the loss of the conservatory.
- 6.20 Therefore, given the Conservation Officers’ views and assessment of the proposal against the NPPF and relevant Local Plan Policy and the Residential Extensions SPD, it is considered that the proposal will not result in harm to the Conservation Area or to the existing dwelling.

Residential Amenity

- 6.21 Policy DM1 requires proposal to respect the amenities of neighbouring occupiers and properties. The Residential Extensions SPD highlights that “*an extension should respect the amenities of adjoining properties in respect of daylight and sunlight and maintain an acceptable outlook from a neighbouring property*”.
- 6.22 Neighbour objections have been raised and are summarised above.
- 6.23 An objection from the neighbouring occupier 2 The Bungalows has been received with concerns regarding loss of daylight/sunlight because of the proposed high roof and solid brick wall on the western elevation. The Residential Extensions SPD (2009) refers to the 45-degree test. The purpose of the test is to ensure that the proposal does not take away too much daylight.
- 6.24 The plans do not however identify the location of the neighbouring properties closest window on the rear elevation and therefore an assessment has been undertaken on the basis of considering the proposed plans, a site visit and site photographs. In addition to this, consideration has been given to the movement of the sun, the distance of separation from the proposed extension to the neighbouring property, and the height of the extension.
- 6.25 Having undertaken the above assessments, it is noted that the extension would be set back from the shared boundary 1.6m to the eaves, however it would be set back a further 3.8m from the maximum height of the roof. The neighbouring properties garden and rear elevation are north facing similar to the application site. As the sun would move east to west, to the front of the existing dwellings the extension, and the maximum height would be set back 3.8m from the shared boundary and reduce in height towards the shared boundary it would not result in a significant loss of natural

sunlight or daylight to the amenity of the neighbouring occupier such that it would warrant a refusal.

- 6.26 Whilst the existing conservatory has glazing on the western elevation that could result in some overlooking to no.2 The Bungalows, this proposal only seeks to include windows on the northern and eastern elevation, as well as a couple of rooflights. The windows would not therefore result in overlooking to no.2 The Bungalows but would rather result in the neighbouring occupier having more privacy than the existing scenario.
- 6.27 An objection was also raised from the occupier at The Lodge regarding concerns about privacy. However, given the distance between the property and the proposed extension, which is approximately 18m, it is considered that privacy/overlooking is unlikely to be a major issue.

Car Parking and Highways

- 6.28 The proposed development does not seek to introduce an additional bedroom. It is therefore considered that the proposal will not raise the level of existing vehicles on the site. The Parish Council requested that permitted development rights were removed to ensure the driveway is retained for car parking. This would however be unreasonable as there is no policy justification for this.
- 6.29 Objections from the neighbours and the Parish Council raised concern regarding the increase in traffic,. As the proposal only involves a rear extension associated to an existing dwelling, it is considered that there will be no further increase in traffic associated with this proposal.

Other Considerations

- 6.30 The Parish council summarised that unless a condition is applied restricting the size of the extension to be no more than 1% of dimensions stated in the drawing, they object. Likewise, the neighbouring occupier at The Lodge also queried how the plans are guaranteed to be built out as per the proposal. To ensure the development is carried out in accordance with the plans approved a condition would be attached to any planning permission requiring the development to be carried out in accordance with the plans. As the plans are approved to scale, and secured via planning condition, any deviation from the plans approved would be subject to enforcement. For this reason, an additional condition requiring the dimensions of the extension to be no more than 1% is not appropriate, reasonable or necessary to be applied as the extension must be carried out in accordance with the scale of the development approved on the plans.
- 6.31 The occupier at The Lodge commented that the previous proposal 15/507703/FULL has not been built out in line with the approved proposal. This is not something to be assessed under this application but has been brought to the attention of the enforcement team.
- 6.32 Policy DM1 of the Local Plan, the residential extensions SPD and the NPPF all encourage ecological enhancements. As a result of the proposal having a greater area of brick wall which could accommodate integral biodiversity enhancements it is considered that such enhancements should be conditioned, together with enhancement within the curtilage of the dwellinghouse.

PUBLIC SECTOR EQUALITY DUTY

- 6.33 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 Overall, it is considered that the proposal meets the criteria set within Policies SP17, DM30 and DM32 of the Maidstone Local Plan (2017) which are the three main policies focussed on countryside locations. The proposal will present a development which will be visually acceptable in the countryside.
- 7.02 The design and scale of the proposal is also considered to be acceptable for its Conservation Area location and the proposal is compliant with the NPPF, Policies SP18 and DM4 of the Maidstone Local Plan (2017) as the proposal will respect the character of the conservation area and its setting.
- 7.03 The proposal will not create any detrimental harm to the neighbouring residential amenity. As such, the proposal is compliant with the Maidstone Local Plan Policy DM1 and the guidance set within the Residential Extensions SPD (2009).

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning 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 & Block Plan As Existing (ref. 1232 - 09)
- Site & Block Plan Proposed (ref. 1232 - 010) (incorrectly labelled as Existing)
- Existing Floor Plans (ref. 1232 - 01)
- Existing Elevations (ref. 1232 - 02)
- Proposed Ground Floor Plan (ref. 1232 -04)
- Proposed Roof Plan (ref. 1232 - 05)
- Proposed Elevations (ref. 1232 - 03)

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

- 3) The development hereby approved shall be finished in materials and colours matching those of the existing dwelling, with the exception that the windows and door frames shall be aluminium in material and shall be finished off white in colour to match those existing;

Reason: To protect the character and setting of the Conservation Area and ensure the extension is in keeping with the character and appearance of the existing dwelling.

- 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 at least one 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.

Planning Committee Report
21 October 2021

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

Case Officer: Nasrin Sayyed