

REFERENCE NO - 21/504963/FULL		
APPLICATION PROPOSAL Two storey side extension and single storey rear extension		
ADDRESS 48 Tydeman Road Bearsted Maidstone Kent ME15 8LU		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would not cause visual, amenity or highways harm and therefore accords with local and national planning policy.		
REASON FOR REFERRAL TO COMMITTEE Councillor Springett has called the application to committee on the basis of some concerns about the impact on the openness and amenity of the area. The main concern lies with the impact on light, amenity and loss of outlook to the adjoining property, which lies to the north of number 48, in contravention of Policy DM9. Referral to the planning committee for determination to allow existing residents who object to raise their concerns directly with the committee.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Remake Ltd AGENT Mr Paul Fowler
TARGET DECISION DATE 09/11/21		PUBLICITY EXPIRY DATE 12/10/21

Relevant Planning History

21/501875/FULL
Erection of an attached one bedroom dwelling.
Refused 04.06.2021

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site consists of an end of terrace dwelling located on a corner plot in the Maidstone Urban Area. The front of the dwelling faces on to a pedestrian walkway, with the blank side elevation facing to the highway. The side elevation is set back at an angle approx. 4m from a tall side garden fence, which is set back a further 2.5 from a lower fence which sits adjacent to the pavement. The rear elevation of the dwelling faces the flank elevation of No.50 at a distance of approx. 22m. A garage sits at the end of the rear garden. This is accessed via a shared vehicular access which sits to the side of No.50.

2. PROPOSAL

2.01 It is proposed to erect a 2 storey extension to the side of the dwelling, and a single storey extension to the rear. The two storey extension would project 2.5m to the side of the existing flank elevation and would retain a gap to the existing tall garden fence of 1.3-2.3m. The two storey extension is of the same height and roof form as the existing dwelling and is shown using fenestration and materials to match the existing, with all flank windows to be obscurely glazed.

2.02 The single storey extension is shown as almost the width of the dwelling and extending 2.5m back into the garden at an eaves height of 4.8m with a pitched roof

that slopes upwards towards the rear elevation to a height of 6.7m. Materials are shown to match the existing dwelling.

3. POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan (2021): Policy SS1 - Maidstone Borough Spatial Strategy, Policy SP1 – Maidstone urban area, Policy DM1 – Principles of good design, Policy DM2 – Sustainable design, Policy DM9 – Residential extensions, conversions and redevelopment within the built-up area.
Emerging Policies - Regulation 19 Draft Local Plan: Policy LPRSP15 – Principles of Good Design, Policy LPRHOU2 : Residential extensions, conversions, annexes and redevelopment in the built-up area

Residential Extensions SPD

- 3.01 Maidstone Borough Council has published the Draft for Submission version of its Local Plan Review, which sets out proposed planning policies for development over the period 2022-2037. Regulation 19 draft is a material consideration, and some weight must be attached to it, but this weight is limited

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 3 representations received from local residents raising the following (summarised) issues
- Rear extension will impact on daylight / sunlight to neighbouring dwelling and garden and fail to meet 45degree test
 - Will affect views from 46 and 14.
 - The proposal will result in increase in car ownership and impact on parking / highway safety
 - A tree was previously removed
 - Cannot establish whether a foul water sewer will be covered and made inaccessible.
 - Being built by developers from off the estate with the view of making money from the development
- 4.02 One comment neither objecting or supporting to the proposal but commenting that the removed tree had been planted by an occupier of the dwelling in 1988.
- 4.03 Issues relating to sewer accessibility (a matter regulated through building regulations), who wishes to build the extension, and the previous removal of a (non protected) tree are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

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)

- 5.01 Bearsted Parish Council
Recommend approval

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Visual Impact
- Amenity Impact
- Highways Impact

Visual Impact

- 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.'
- 6.04 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 impacts of the design of the development.
- 6.05 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.
- 6.06 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.
- 6.07 The proposed side extension would continue the existing pattern of development in the terrace, using materials, fenestration and a roof form that will harmonise with the dwelling and the match the surrounding character. Although it would bring the amount of built form at the end of the terrace closer to the highway, a significant gap would still be retained with both the tall garden fence and then the lower palisade fence, ensuring that a gap of 3.6-4.8m is retained in the area where the open space adjoins the pavement. On this basis, the spatial quality and a satisfactory degree of relief at the corner plot would be retained.

- 6.08 Although visible within the streetscene, this set back at the side boundary, along with the accordant size and form of the extension would not disrupt the uniform character of the dwelling, its terrace or the street scene.
- 6.09 The rear extension would extend an acceptable distance from the host dwelling in a modest manner that would not dominate the existing dwelling, and would appear proportionate and subservient to it. The extension would be visible above the side fencing, but would not be out of keeping with other built form in the locality (for example at No.60), and of a size and appearance as is to be expected in such a setting.
- 6.10 For the above reasons, the proposed two storey side extension and single storey rear extension are considered to fit unobtrusively with the existing building and would not result in detrimental harm to the character of the street scene or its context. As such, no objection is raised regarding the size, design or scale of either extension.

Amenity Impact

- 6.11 Policy DM1 of the Local Plan requires development to respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.12 The two storey element is sited a sufficient distance from the neighbouring dwellings to ensure that daylight/sunlight privacy would be acceptable and that there would be no detrimental impact on neighbouring privacy. Concern has been raised about loss of outlook along Tydeman Road. This is not a material consideration to which any weight can be attached. Regardless, the two storey extension would protrude such a significant distance from the flank elevation to intrude upon neighbouring amenity or appear as an overbearing form of development.
- 6.13 While it would sit in close proximity to the neighbouring occupier, the rear element, due to its single storey nature would not impact on privacy or have a significant overlooking impact. There would be some loss of daylight / sunlight / overshadowing of the rear elevation of the neighbouring dwelling, but this would not impact on any habitable primary window, and as such passes the 45 degree test.
- 6.14 The proposed development would accord with the parameters set out in the Residential Extensions SPD, whilst still providing an adequate level of amenity space internally.

Highways Impact

- 6.15 Concern has been raised about increased demand for parking as a result of the proposal. Appendix B of Policy DM23 of the local plan sets parking standards for housing development. In a suburban area it requires 1 space per 1/2 bed dwelling and 1.5 space per 3 bed dwelling. The extension would increase the size of the dwelling from a 2 bed to a 3 bed house. As such, the standard would rise by half a space.
- 6.16 As a site within the Maidstone Urban Area, close to transport links and in an area not subject to on street controls and with sufficient on street parking availability, the

requirement and under provision of half a space would not be sufficient grounds to warrant refusal of the proposal. The NPPF is clear at paragraph 11 that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 6.17 For the reasons detailed above, the under provision of half a parking space would not result in an unacceptable impact on highway safety, and as such, in this regard the proposal is acceptable.

Other Matters

- 6.18 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.' The NPPF encourages the enhancement of biodiversity in the interests of sustainable development. The submitted plans show the integration within the extension of a bat brick and swift brick. This would secure a net gain in the biodiversity value of the site.

7. PUBLIC SECTOR EQUALITY DUTY

- 7.11 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.

8. CONCLUSION

- 8.01 The proposed extensions would not have a detrimental impact on neighbouring amenity, and would appear as coherent and proportionate additions to the existing dwelling that would protect the spatial quality of the locality and would not have an unacceptable on highway safety. The proposal would therefore accord with national and local planning policy and as such it is recommended that permission be granted for the works.

9. 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 development hereby permitted shall be carried out in accordance with the following approved plans:

- 21/864/03: Proposed Site, Floor Plans and Elevations;
- Site location plan;
- Bat Box Photograph, received 9th September 2021;
- Swift Brick Photograph, received 9th September 2021;
- Design and Access Statement, received 9th September 2021;
- Application Form.

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 approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

- 4) The bat brick and swift bricks shown on drawing number 21/864/03 shall be provided in accordance with the approved details prior to first use of the extensions and all features shall be maintained thereafter.

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

INFORMATIVES

Your attention is drawn to the following working practices which should be met in carrying out the development:

- Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
- Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Case Officer: Joanna Russell