

## REPORT SUMMARY

<b>REFERENCE NO - 21/506322/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of single storey rear extension to bungalow, construction of detached single garage and erection of shed in back garden.			
<b>ADDRESS</b> Rose Cottage Bearsted Road Weaving Kent ME14 5LD			
<b>RECOMMENDATION : GRANT</b> subject to the planning conditions set out in Section 8.0 of the report			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> For the reasons set out below it is considered that the proposed extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The recommendation is contrary to the views of Boxley Parish Council who have requested the application be presented to the Planning Committee			
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> Mr and Mrs Christopher and Deborah Le-Core <b>AGENT</b> JK Designs	
<b>DECISION DUE DATE</b> 25/01/22	<b>PUBLICITY EXPIRY DATE</b> 24/12/21	<b>OFFICER SITE VISIT DATE</b> 21/1/22	
<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>
20/501279/REM	Approval of reserved matters following outline application 19/503191/OUT - Outline application for access, layout, and scale for the demolition of existing outbuildings and erection of a single storey detached dwelling with associated access and parking (Appearance and Landscaping being sort).	Permitted	11/5/2020
19/503191/OUT	Outline application for access, layout, and scale for the demolition of existing outbuildings and erection of a single storey detached dwelling with associated access and parking (including Lavender Cottage).	Permitted	16/9/2019
15/508305/OUT	Outline application for demolition of	Refused	14/3/2016

	existing cattery and outbuildings and the erection of a two storey detached dwelling with associated double garage, parking and turning. Shared access with Lavender Cottage. with access to be considered at this stage		
<p><i>Given: (i) the location and siting of the proposed two-storey dwellinghouse, (ii) its proximity to the properties to the north (i.e. Primrose Cottage and Holly House), (iii) orientation of the site and spatial relationship with the said curtilages; the proposed two-storey dwellinghouse would be likely to cause serious harm to residential amenities of occupiers of the affected curtilages; including loss of outlook and loss of daylight/sunlight; by reason of overshadowing and, being overbearing and intrusive.; this is unacceptable. The proposal is also contrary to the following material considerations: Sections 3 &amp; 7 of the NPPF.</i></p>			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a single storey bungalow recently constructed on a backland site to the rear of the gardens of those dwellings fronting Bearsted Road (Lavender and Primrose Cottage and Holly House). The site was previously a cattery, however the redevelopment has taken place and the dwelling appears to be complete and occupied.
- 1.02 The site is access by a private driveway from Bearsted Road which leads to a large parking and turning area. The dwelling is situated in a fairly spacious plot for its location with a flat garden to the rear. A mix of hedging and close boarded fencing enclose the site.
- 1.03 The site is within the urban settlement boundary, adjacent to protected woodland which is sited to the east of the site and within the 500m buffer of a local wildlife site.

### 2.0 PROPOSAL

- 2.01 The proposal is for the erection of a single storey rear extension to the bungalow, construction of detached single garage and erection of shed in back garden.

#### *Single storey rear extension*

- 2.02 The extension would be to the rear of the existing dwelling and would extend approximately 3m rearwards, have a width of 6m (approximately half the width of the existing dwelling) and would have a pitched roof with an eaves height to match the existing dwelling (approximately 2.6m) and a ridge height of 4.1m. Materials would match the existing dwelling and a single rooflight would be present in both side facing roofslopes.

#### *Detached single garage*

- 2.03 The garage would be sited in the north-western corner of the site adjacent to the boundaries with Lavender and Primrose Cottages. It would have a length of

approximately 5.5m, width of 4m, with a pitched roof with an eaves height of 2.4m and a ridge of approximately 4m.

*Shed*

- 2.04 The shed would be sited in the south-eastern corner of the garden and would have a square footprint of approximately 3m and would have a shallow pitched roof with a maximum height of 2.5m. It would be timber clad with a felt roof.

*Other matters*

- 2.05 A flue is shown to project from the side facing roof of the extension. This would serve a log burner proposed in an existing part of the dwelling. Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), allows for flues to be permitted development provided they would not exceed the highest part of the roof by 1metre or above. The proposed flue would not exceed this criteria and is therefore not considered to require planning permission and could be inserted into the existing roof without the need for consent. As such no further consideration is given to the proposed flue. Matters are raised from neighbours regarding smoke and fumes, however these would be dealt with through other legislation, initially by building regulations compliance.
- 2.06 The site plan indicates that an existing part of the hedge to the rear of Primrose Cottage would be removed and replaced by 1.8m Close Boarded fencing. Due to the recent nature of the existing dwelling planting and boundary treatment does remain to be controlled by conditions, with the following conditions being pertinent :

Condition 4 of 19/503191/OUT

*(4) Within the area identified as garden land shown on drawing no: 7098-P-01 Rev C and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, D, E and F and **part 2 Class A** to that Order shall be carried out.*

*Reason: In the interests of visual and residential amenity.*

This condition removes permitted development rights for new boundary treatment.

Condition 5 of 19/503191/OUT

*(5) Before first occupation of the approved dwellings, fencing shall be erected along the common boundary with the existing neighbouring dwellings shown on drawing no: 7098- P-01 Rev C that shall be no less than 1.8 metres in height and be of close boarded construction.*

*Reason: To safeguard the residential amenities of the occupiers of neighbouring buildings.*

This intimates but does not explicitly show that the boundary treatment proposed with all neighbouring properties would be 1.8m close boarded fencing.

Conditions 9 and 10 of 19/503191/OUT

(9) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

*Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.*

(10) The submitted Landscaping details shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

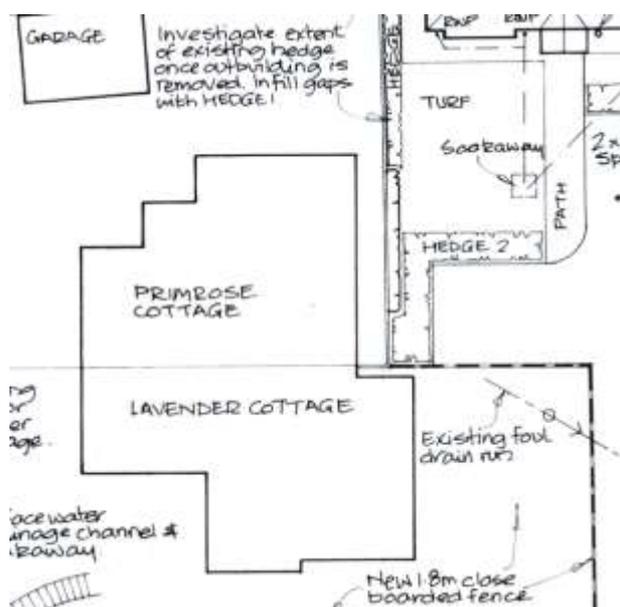
*Reason: In the interests of visual amenity.*

The landscaping details referred to in Condition 9 were submitted as part of the reserved matters application. This showed hedging along the boundary with Primrose Cottage (see extract below) and was further conditioned to be implemented by condition 2 of that consent (20/501279/REM).

The supporting statement accompanying 20/501279/REM with reference to the hedging set out :

*To the boundary with Primrose Cottage. Investigate the nature of the existing hedge once the outbuilding is demolished. As required reinforce/infill gaps/install new Privet double staggered hedge planted 4no. per square metre pot grown (300mm pot size).*

*Around the turning head to the rear of Primrose Cottage. Double staggered hedge with a mix of 80% hawthorn, 10% beech and 10% field maple planted 4no. per square metre pot growth (300mm pot size)*



Based on the above, although not explicitly referred to in the description, planning permission would be required for the replacement of the hedging with close boarded fencing as those works would be in breach of conditions relating to landscaping and the removal of permitted development rights relating to boundary treatment.

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

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

Maidstone Borough Local Plan 2017 : Policies DM1, DM9 and DM23

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021. : Policies Policy LPRSP15 – Principles of Good Design Policy LPRHOU 2 : Residential extensions, conversions, annexes and redevelopment in the built-up area

*The Regulation 19 draft is a material consideration and some weight must be attached to the document because of the stage it is at but its weight is limited, as it has yet to be the subject of an examination in public.*

Supplementary Planning Documents: Residential Extensions SPD

### **4.0 LOCAL REPRESENTATIONS**

4.01 Three neighbour representations have been received, objecting to the proposals on the following grounds (summarised) :

- Rear extension due to roof line would overshadow garden and remove remaining light. Garden is shallow towards the bungalow.
- Rear extension would dominate view from living accommodation and block view of sky.
- Development recently completed and the proposal would make situation worse and wouldn't be in accordance with plans that were previously approved.
- Holly House is at a lower level than the application site (approximately 1m)
- Impact of flue shown on side elevation (smoke and fumes)
- Removal of hedge (not in applicants ownership)
- Garage would result in loss of light to kitchen and upstairs bathroom of Primrose Cottage
- Loss of privacy and overlooking due to velux rooflight and ground floor windows
- Overdevelopment
- Landscaping scheme not fully implemented

### **5.0 CONSULTATIONS**

5.01 Boxley Parish Council

1. It is overdevelopment of the site.
  2. The original plans were approved with very stringent conditions. For the developer to put in an application for an extension before the building is completed is not acceptable.
  3. The plans for the first floor extension will have an adverse affect on the neighbouring properties by causing a dominant negative feature on their line of sight given that Rose Cottage is on higher ground. It will also block light causing overshadowing and loss of privacy.
  4. The positioning of the solid fuel flue facing towards Holly House is likely to cause harm to the occupants by emitting smoke and fumes into their lower level property.
  5. The proposed garage is too close to the neighbouring property. It will cause overshadowing and loss of privacy. The removal of the established hedge and replacement with a panel fence would have a negative visual impact for the neighbouring property.
- If the case officer is minded to approval Boxley Parish Council would like this application determined by the Planning Committee.

## 6.0 APPRAISAL

6.01 The key issues for consideration relate to:

- Site Background/Principle of development/Policy context
- Visual amenity
- Residential amenity
- Parking/Highway safety
- Other matters

### Site Background/Principle of Development/Policy Context

- 6.02 The application site was recently redeveloped from a former cattery to that of a single detached dwelling, with outline consent approved under 19/503191/OUT and the subsequent reserved matters approved under application 20/501279/REM. This consent removed permitted development rights for extensions, outbuildings and boundary treatment, as highlighted in bold within the condition wording below. The reason for removing these rights was to protect visual and residential amenity. This does not mean that all proposals falling within those parts quoted would be unacceptable, solely that they require planning permission and as such more robust consideration.

Condition 4 of 19/503191/OUT

*(4) Within the area identified as garden land shown on drawing no: 7098-P-01 Rev C and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, **Part 1, Classes A, D, E and F and part 2 Class A** to that Order shall be carried out.*

*Reason: In the interests of visual and residential amenity.*

- 6.03 The application site is within the defined urban boundary, Policy DM9 of the local plan allows for residential extensions provided that :
- 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 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.
- 6.05 The Residential extensions SPD in relation to rear extensions sets out that rear extensions should not normally exceed 3metres in depth and neighbouring amenity should be protected. Regarding detached garages the SPD sets out :
- ‘Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property (para 4.45)*
- ‘In order to appear ancillary to the property, fit well within the street scene and prevent detrimental impact on neighbouring properties, such as excessive overshadowing of a garden or principal window, garages and outbuildings should not generally be located in front of the building line of domestic properties’ (para 4.46)*
- ‘The form (including roof pitches) and materials of garages and outbuildings should be in keeping with the existing and surrounding properties.’ (para 4.47)*
- ‘Garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location. Garages or outbuildings set in front of the building line will not normally be allowed.’*
- 6.06 The principle of extensions to the property is acceptable, given its location within the urban area, however this is subject to consideration of the key issues set out above which are discussed below

### **Visual Impact**

- 6.07 The application site is situated in a backland position and thus has no public visibility and is screened by the dwellings to the north and west which front Bearsted Road and the woodland and land levels to the east. As such the proposals, which are in themselves of a modest scale would not impact on the visual amenity of the street scene or the character and appearance of the surrounding area.
- 6.08 Concerns have been raised regarding the overdevelopment of the site. The proposed outbuildings are both modest in size and scale and are what could be reasonably be expected for outbuildings and meet policy criteria. The rear extension would be modest with a projection of 3m from the existing dwelling. There would

remain significant undeveloped space within the plot and it is not considered that the proposals could be considered as overdevelopment.

- 6.09 The loss of a small portion of hedging to be replaced with fencing is considered visually acceptable.
- 6.10 Overall the proposed extension and outbuildings are of an acceptable design and appearance which would appear as subservient to the existing dwelling and would not harm visual amenity of the street scene or character of the surrounding area, nor would harm the site itself.

### **Residential Amenity**

- 6.11 Representation has been received from three of the four adjoining neighbouring properties (Holly House, Primrose Cottage and 11 Exton Gardens). It is those properties together with Lavender Cottage which would be most likely be impacted upon by the proposed developments, other neighbouring properties are considered to be a significant distance away to be unaffected by the proposals.

#### **6.12 *Holly House***

The proposed garage and shed would be a significant distance away to not impact on this property. The single storey extension would extend beyond the rear wall of the existing dwelling, but this would be of a modest scale, projecting no more than 3m and have a roofscape that would slope away from the neighbouring boundary and the overall height would be lower than the existing dwelling. It would be no closer to the boundary than the existing dwelling and separated by at least 1m, with a significant distance separating the extension from the south facing windows of Holly House.

The extension would not be overly overbearing, overshadowing or cause loss of outlook, light or privacy such that would be harmful to the amenity of Holly House.

#### **6.13 *Primrose House***

The proposed single storey rear extension and shed would be a significant distance away to not impact on this property. The main impact would be from the proposed detached garage. This would be sited approximately 0.7m from the adjoining boundary, and to facilitate its construction a section of hedging would be removed and replaced by close boarded fencing to a height of 1.8m. The rear wall of the garage would then extend approximately 0.6m above this new fencing and would have a roofslope that would slope away from the boundary.

The property has a single storey rear extension with rooflights facing towards the application site (understood to serve the kitchen but are not the sole openings to serve the room) and a first floor facing window (understood to serve a bathroom). The extension brings the property in close proximity to the boundary with the application site and there is not usable amenity space between the extension and the boundary, with the garden serving Primrose House being predominantly to the east of the dwelling.

The proposed replacement of the existing hedge with fencing would not impact on the amenity of the neighbouring occupier. It is noted that representation suggests this would change the 'cottage' appeal of the site, however the new fencing would be for a small proportion of the boundary which encloses space which has limited usability and would not affect the wider character of the application site or its neighbour.

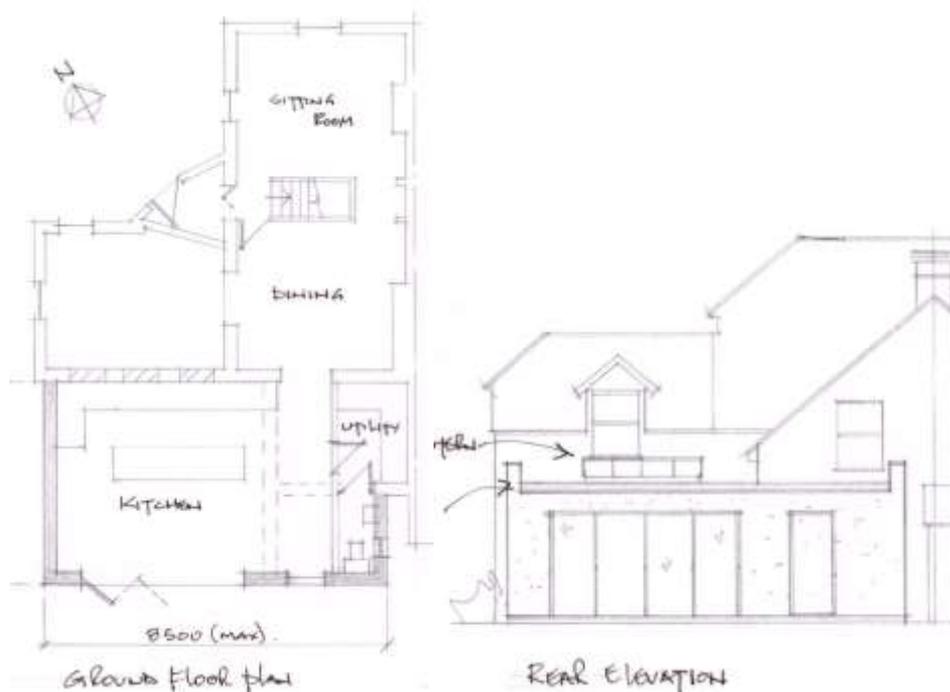
No windows or openings are proposed other than in the elevation facing towards the application site itself so no harm would result through overlooking or loss of privacy. The outlook from any fenestration would not be harmed detrimentally as the south elevation has the characteristics of secondary elevation and any outlook is currently compromised by thick hedging. No impact would occur to the principal outlook from rooms facing towards the east. Although the garage would extend above the height of the proposed fence, with the roof sloping away from the boundary, its single storey nature and proposed footprint it could not be considered to be significantly overbearing and loss of light and overshadowing would be limited due to the nature of openings, characteristics of the neighbouring site and the proposal itself.

It is noted that the garage would be sited fairly close to the boundary and introduce additional built form where there currently is none, however due to its size, proportions and relationship with the neighbouring dwelling it is not considered that the proposal would result in undue harm to amenity that would warrant refusal of the application.

#### 6.14 Lavender House

The proposed single storey rear extension and shed would be a significant distance away to not impact on this property. The main impact would be from the proposed detached garage. This would be sited approximately 0.7m from the adjoining boundary, it would have an eaves height which would be approximately 0.6m above the existing close boarded fencing and would have a roofslope that would slope away from the boundary.

The roof and top part of the flank would be visible above the boundary fencing. Lavender House was extended to the rear by a single storey extension under application (16/504070/FULL), the plan extract below show that those ground floor openings nearest the boundary serve a back door to the kitchen, with another large opening serving the same room.



In terms of loss of light when assessed in relation to the 45 degree light test, the proposed garage would pass on both the elevation and floorplan test whereby any impact would be on the secondary opening to the kitchen which would not result in significant harm to amenity in terms of loss of light.

Although the garage would extend along a large proportion of the eastern boundary, it would not enclose the full boundary and the side wall would not extend significantly above the existing fence with the roof sloping away from the boundary such that it is not considered that the building would be unduly overbearing, overshadowing or result in loss of outlook. No loss of privacy would result.

On balance it is considered that the proposed garage building due to its design, position and height would not result in significant harm to the amenity of Primrose House.

6.15 *11 Exton Gardens*

The proposed garage would be a significant distance away to not impact on this property. The single storey rear extension would have a modest projection from the rear of the existing dwelling and would be a significant distance from the neighbouring boundary to not result in any harm through loss of outlook, light or be overshadowing or overbearing. Concerns have been raised regarding overlooking, however the extension would be single storey, the rear doors would look towards the amenity space of the application site and not towards the neighbouring property and the rooflights would not give rise to any direct overlooking due to their position and height above floor level. The proposed shed to the rear corner of the garden would be close to the neighbouring boundary but due to its size, scale and height would not result in any harm to neighbouring amenity.

6.16 *Overall*

The proposals both individually and cumulatively would not result in significant harm to neighbouring residential amenity that would warrant refusal.

Matters relating to boundary treatment ownership are a civil matter, there is nothing in this submission or previous submissions to suggest that the boundary hedge is not in the ownership of the applicant and there would be space to erect fencing within the red line of the application site.

**Parking/Highway safety**

- 6.17 Parking provision is sought to be protected by condition on the original consent for the dwelling, those parts of the proposal which would impact on current parking is the garage to the front of the dwelling. The proposal would however provide additional enclosed parking rather than preclude parking and there would remain sufficient parking and turning on the site. It is not considered any part of the proposed development would cause harm to parking arrangements or highway safety.

**Other Matters**

- 6.18 The site is adjacent to an area of woodland which is protected by a tree preservation order (TPO) (to the south-east of the site). The garage and rear extension are a significant distance away from the nearest trees to be unaffected by the proposed development. The shed would be in close proximity to the boundary, however due of the proposal it is not considered there would be any impact on protected trees.

- 6.19 The NPPF, Local Plan and residential extensions SPD all seek to promote biodiversity enhancements. It is not considered that there would be any material impacts on existing ecology as a consequence of the proposal, however due to the nature of the proposal, the site constraints and the encroachment into the existing garden it is considered that ecological enhancement are necessary and could be secure by condition.
- 6.20 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposals by their nature are fairly modest and it is noted that original development did not require the use of renewable technologies, such that it would be unreasonable to seek to secure such measures for a small extension to the dwelling. However, energy efficiency can be secured through construction or water efficient for use of measures such as water butts, as such to secure such measure a condition is considered reasonable to ensure that the development incorporates appropriate measures.

## **7.0 CONCLUSION**

- 7.01 For the reasons set out above it is considered that the proposed extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.

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

### 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:

Drawing no. 025.1318.03 Rev D (Proposed Site Plan)  
Drawing no. 025.1318.04 Rev B (Proposed Garage Floor Plan, Roof Plans and Elevations)  
Drawing no. 025.1318.07 Rev A (Proposed Floor and Roof Plans)  
Drawing no. 025.1318.08 Rev A (Proposed Elevations)  
Drawing no. 025.1318.09 (Proposed Shed Floor Plan, Roof Plans and Elevations)

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 and application form.

Reason: To ensure a satisfactory appearance to the development

- (4) No part of the development hereby approved shall 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/outbuilding 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 any part of the development hereby approved and all features shall be maintained thereafter.

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

- (5) The development shall not commence above slab level until details of how the proposal hereby approved shall be constructed to secure the optimum energy and water efficiency of the extension/building have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first use and maintained thereafter; The details shall demonstrate that consideration has been given to incorporating small scale renewable energy generation options have been considered first and shall only be discounted for reasons of amenity, sensitivity of the environment or economies of scale, installing new energy efficient products, such as insulation, energy efficient boilers, low energy lighting shall be considered as a secondary option if the use of renewables has been demonstrated to not be appropriate.

Reason: To ensure an energy efficient form of development.

- (6) The garage hereby approved shall be kept available for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

## INFORMATIVES

- (1) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

Case Officer: Rachael Elliott

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.