

REPORT SUMMARY

REFERENCE NO: - 22/503867/FULL		
APPLICATION PROPOSAL: Demolition of existing single storey rear extension, erection of a part single storey, part two storey rear extension and a loft conversion with rear dormer and 1no. roof light to the front slope.		
ADDRESS: 4 Scott Street Maidstone Kent ME14 2TA		
RECOMMENDATION: GRANT – subject to the planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out in this report, it is considered that the proposed demolition of the existing single storey rear extension, erection of a part single storey, part two storey rear extension and a loft conversion with rear dormer and 1no. roof light to the front slope would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The application has had a Cllr Call in request to enable an appropriate level of debate and democratic input due to the application generating local interest in relation to potential impacts upon the amenity of neighbours.		
WARD: North	PARISH/TOWN COUNCIL:	APPLICANT: Fergus Wilson AGENT: MM Planning & Architecture
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 18/08/22	DECISION DUE DATE: 01/12/22
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

No relevant planning history.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application relates to a two-storey terraced property located within the urban settlement boundary, just to the north of the town centre. The existing materials of the dwelling comprise of white cladding for the external walls, tiles for the roof and white uPVC for the windows.
- 1.02 The property is a single a residential dwelling and the site is not situated within a conservation area of an area of outstanding natural beauty. Additionally, there are no restrictions on the permitted development rights to extend or alter the dwellinghouse.

2. PROPOSAL

- 2.01 The proposal is for the demolition of existing single storey rear extension, erection of a part single storey, part two-storey rear extension and loft conversion with rear dormer and 1no. roof light to the front slope.

Part Single Storey, Part Two-Storey Rear Extension

- 2.02 The proposed extension at ground floor would consist of an extension to the kitchen, and there would be two windows and a door for access to the garden on the rear elevation. The extension would have a width of approximately 4.4m and depth of 3m. It would have a flat roof with eaves height of approximately 2.4m.

At first floor level the extension would consist of an extension to the bedroom and bathroom, there would be two windows on the rear elevation. It would have an approximate width of 4.4m and depth of 2.1m. It would also have a flat roof with an eaves height of approximately 5m. This element would be sited above part of the proposed single storey rear extension.

Loft Conversion

- 2.03 The loft conversion would create additional accommodation for one bedroom and an en-suite. The rear dormer would have two windows on the rear elevation and there would be one roof light on the front elevation. It would have an approximate width of 4.3m and depth of 3.3m. It would have a flat roof with a height of approximately 1.9m.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): DM1, DM9 and DM23

Emerging Policies:

Maidstone Borough Council – Local Plan Review Regulation 22 Submission. The Regulation 22 Submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

Policy LPRSP15 – Principles of Good Design

LPRHOU 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas

Policy LPRTRA4 - Parking Matters

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Local Development Framework: Residential Extensions SPD

4. LOCAL REPRESENTATIONS

Local Residents: 4 representations have been received to date from local residents raising the following (summarised) issues. (one to the original consultation and three to the re-consultation). The re-consultation ends on 17th November and any further representation received will be updated to members in either the written or verbal urgent updates.

- Overshadowing
- Overlooking
- Concerns of visual appearance
- Parking Provision

- Density of the building
- Noise, disturbance and smell resulting from use

Issues relating to a loss of property value, private issues between neighbours and problems arising from the construction period 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

Cllr Tony Harwood

- 5.01 This application has generated local interest in relation to potential impacts upon the amenity of neighbours.

I therefore request that should this application be recommended for approval by officers that it is reported to Planning Committee, to enable an appropriate level of debate and democratic input.

6. APPRAISAL

The key issues are:

- Site background/Principles of development/Policy Context
- Visual impact
- Residential Amenity
- Parking/Highway safety
- Other matters

Site background/Principles of development/Policy Context

- 6.01 The site previously had an unauthorised single storey rear extension, however this has now been demolished. The plans originally submitted included this extension on the existing plans and indicated that the proposed extension would be built above this. The plans have however now been amended to remove reference to that extension and include the erection of a new single storey rear extension, with part first floor above.
- 6.02 The application site is located within the urban settlement boundary, just north of the town centre. Policy DM9 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.

6.03 Policy DM1 (ii) in terms of design refers to developments responding positively to the 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.

6.04 The Residential Extensions SPD in relation to this proposal sets out the following:

4.8 *Whilst usually having least impact on the street scene, for reasons of potential impact on a neighbour's outlook or amenity space and the potential loss of light or privacy, the size of an extension at the back of a property needs careful consideration.*

4.9 *The acceptable depth and height of a rear extension will be determined by the ground levels, distance from the boundaries and also the size of the neighbouring garden/amenity space. Amenity considerations set out elsewhere in the document are important factors in determining the appropriateness of the depth of any rear extension. For example, distance to neighbouring windows is important especially when there is just one window lighting a habitable room and/or kitchen and a BRE light assessment test should be carried out to ensure impacts on daylight to adjoining properties are acceptable. See the Appendix for the BRE web page address.*

4.10 *In normal circumstances, this SPD advocates that rear extensions on semi-detached or terraced houses should not project more than 3 metres from the rear elevation.*

4.12 *The eaves height of single storey extensions within 2 metres of a boundary should be no more than 3 metres above the existing ground level.*

4.14 *In the case of semi-detached or terraced houses, rear extensions should not normally exceed 3 metres in depth from the rear of the property, and, in the case of single storey development, 3 metres to eaves height and an overall height of 4 metres.*

4.32 *New dormers will not normally be allowed to front elevations in streets where there are none already. Roof lights, particularly on the front elevation, are a preferable alternative to the use of dormers or roof extensions. The number and size of roof windows should not visually dominate the roof plane. Roof windows need not be large, as more sunlight and daylight reaches a sloping roof than a wall. Roof windows should be designed and installed to have a minimum projection from the roof plane. The glazing of the traditional roof light is flush with the roof covering, and all roof window ranges now include a 'conservation style' roof light which meets this requirement.*

4.33 *Loft extensions are preferred on the back elevation in order to preserve the character of the street.*

4.34 *Where acceptable, dormer windows should be proportionate in scale to the roof plane and where there is a logical or symmetrical layout of doors and windows, should follow the vertical lines of these openings. They should never project above the original ridgeline and should be set back a minimum of 20 centimetres from the eaves to maintain the visual appearance of the roof line.*

6.05 The application site is situated in a sustainable location within the urban settlement boundary and as such, the principle of development in this location is considered acceptable subject to the material planning considerations discussed below.

Visual Impact

- 6.06 The application property is set back from the road with a small area of landscaping/amenity land to the front of the site. The property is part of a small terrace of 2-storey dwellings.
- 6.07 All proposed developments other than the proposed roof light to the front elevation would be located at the rear of the property and therefore would not be visible along Scott Street. Considering the proposed roof light is a modest addition to the front elevation, it is not considered that it would have a detrimental impact to the host dwelling or the street scene.
- 6.08 The scale of the proposed part single storey, part two-storey rear extension is considered to be subservient to the original dwelling. The proposed depth of the single storey rear extension is in line with the guidance given in the Residential Extensions SPD and the reduced depth of the two-storey element ensures that the proposal appears subservient to the main dwelling. The proposed flat roofs are not in keeping with the roof form of the main property, however given the extensions are located at the rear of the property and due to the proposed extend of the depth of the extension and the mid-terrace siting of the dwelling (thus limiting views which are available from the neighbouring street), it is considered that on balance, the proposed extensions would not detrimentally impact the character of the host dwelling to such an extent that would warrant refusal. The materials for the proposed developments would match those used on the existing property.
- 6.09 The proposed dormer is located at the rear of the property and therefore would not be visible from Scott Street, although some distant views would be available from Hope Street. Considering the design of the proposed dormer, whereby it is set back from the eaves by approx. 0.4m and set down from the ridge by approx. 0.2m it is considered that the proposal would not detrimentally impact the character and appearance of the host dwelling or the character of the area. A similar proposal could also be built without the need for planning permission.
- 6.10 Concerns have been raised over the visual appearance of the proposed dormer as there are no dormer extension in the current block of houses, however, as discussed above, the dormer is set back from the eaves and set down from the ridge and the proposed loft conversion would likely be considered permitted development, therefore I do not consider there to be sufficient ground to refuse the application on this basis.
- 6.11 Overall, on balance, the proposed developments are of an acceptable design and appearance which would appear subservient to the existing dwelling and would not harm visual amenity of the street scene or the character of the surrounding area, nor would it harm the site itself.

Residential Amenity

- 6.12 Representation has been received from two of the eight neighbouring properties. (No.2 and No.6 Scott Street) It is those properties that would most likely be impacted by the proposal. All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.
- 6.13 Concerns have been raised regarding a loss of light and overshadowing and overlooking, this has been discussed below. Concerns were also raised regarding noise, disturbance and smell resulting from use of the property, however as this is a householder application for a residential extension to an existing residential property, it is considered that only the normal amount of noise and activity associated with a residential dwelling will occur.
- 6.14 *No.2 Scott Street*

No.2 Scott Street is the neighbouring property to the south of the application site. The application site and No.2 share an access walkway along the side boundary of both properties, the proposal would therefore be approximately 0.6m from the boundary with No.2. The boundary treatment consists of the external wall of No.2's single storey rear projection and close-boarded fencing which is approx. 2m tall. Considering the orientation of the site and that the proposed single storey rear extension would be set back by approx. 1.9m from the rear elevation of No.2 single storey rear projection, it is considered that the proposed single storey rear extension would not impact the residential amenity of No.2 by causing a loss of light or overshadowing. It is considered that due to the orientation of the site, the proposed two-storey rear extension would not result in a loss of light or overshadowing towards No.2

In terms of privacy, the windows in the rear dormer would offer similar views to those available from the existing rear first floor windows, it is therefore considered that they would not harmfully increase overlooking to any significant degree.

6.15 *No.6 Scott Street*

No.6 Scott Street is the neighbouring property to the north of the application site. The proposed rear extension would be built up against the boundary with No.6. There is a brick wall approx. 1.5m tall and close-boarded fencing dividing the two sites. The proposed extension at ground floor fails the elevation light test, however, it passes the floor plan test. As the extension only must pass one test to be considered acceptable, and as such the proposed single storey rear extension would not result in a significant loss of light or overshadowing. The proposed first floor extension passes the floor plan light test and is therefore considered acceptable in regard to overshadowing or a loss of light. Considering the nature of the proposed dormer, it is considered that this would not impact the residential amenity of No.6 by causing a loss of light or overshadowing.

No windows are proposed on the side elevation and considering the proposed dormer windows would offer similar views to those available from the existing first floor rear windows, I am satisfied that the proposal would not impact the residential amenity of No.6 by causing a loss of privacy or overlooking.

6.16 *Overall*

The proposals would not result in a significant harm to neighbouring residential amenity that would warrant a refusal.

Parking/Highway Safety

- 6.17 The increase in useable accommodation would not give rise to parking considerations which would warrant refusal of the application, the site does not currently benefit from dedicated parking, but is in a sustainable edge of town location.

Other Matters

- 6.18 Comments were received from neighbouring properties that the dwelling would be used as a HMO, however as the application is a householders application for a residential extension to a residential dwelling, it is not considered that the application be assessed as a HMO.
- 6.19 Biodiversity/Ecological Enhancements: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.

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.*' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided integral to the proposed extensions and within the curtilage of the dwellinghouse.

- 6.20 Renewables : The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables. The proposals by their nature are extensions to an existing dwelling such that condition which seek to secure such measures would need to accord with the scale of the development. Due to the scale of the proposal, incorporating cumulatively the rear extensions and dormer, it is considered these are of such a scale to incorporate the use of renewable energy sources. Such measure can be secured by way of a condition.

PUBLIC SECTOR EQUALITY DUTY

- 6.21 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 For the reasons set out above, it is considered that the proposed demolition of the existing single storey rear extension, erection of a part single storey, part two storey rear extension and a loft conversion with rear dormer and 1no. roof light to the front slope would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

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:

Block and Site Location Plan – Drawing No. 00 – Received 19/10/2022

Existing and Proposed 3D Front Elevations – Drawing No. 01 – Received 19/10/2022

Existing and Proposed 3D Rear Elevations – Drawing No. 02 – Received 19/10/2022

Existing and Proposed Ground Floor Plan – Drawing No. 03 – Received 19/10/2022

Existing and Proposed First Floor Plan – Drawing No. 04 – Received 19/10/2022

Proposed Loft Plan and Cross Section – Drawing No. 05 – Received 19/10/2022

Existing and Proposed Elevations 1 – Drawing No. 06 – Received 19/10/2022

Existing and Proposed Elevations 2 – Drawing No. 07 – Received 19/10/2022

Roof Plan – Drawing No. 08 – Received 19/10/2022

Reason: To clarify which plans have been approved.

- 3) The materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- 4) Prior to the commencement of the works hereby approved, details of a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated method into the design and appearance of the extension/alterations 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, 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 decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed and be functional prior to first occupation of any part of the development hereby permitted and maintained thereafter;

Reason: To ensure an energy efficient form of development.

INFORMATIVES

- (1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- (2) 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: Chloe Berkhauser-Smith

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

