

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 23/500195/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing garage and open sided shed. Erection of a detached residential annexe ancillary to the main dwelling.		
<b>ADDRESS:</b> 1 Skye Close Maidstone Kent ME15 9SJ		
<b>RECOMMENDATION:</b> GRANT – subject to 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 detached annexe 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 development are 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 North Loose Residents Association who have requested the application be presented to the Planning Committee.		
<b>WARD:</b> South	<b>PARISH/TOWN COUNCIL:</b> Unparished	<b>APPLICANT:</b> Mr A Poad <b>AGENT:</b> Frances Norman Ltd
<b>CASE OFFICER:</b> Ping Tye	<b>VALIDATION DATE:</b> 20/01/23	<b>DECISION DUE DATE:</b> 28/04/23 (EOT)
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

07/0439 - Erection of a two-storey side extension, a single storey front extension and single storey rear extension together with the demolition of existing garage and the erection of a single storey extension to provide garage space. Refused 02.04.07.

08/0416 - Erection of two storey side extension with integral garage and front and rear dormer windows, single storey front extension, single storey rear extension and removal of first floor rear window together with demolition of existing garage and erection of fence and wall with access points to the boundary of Anglesey. Rerused 21.05.08.

19/505626/FULL - Erection of single storey rear and single storey front extension with linked roof to new garage. Approved 18.02.2020.

### MAIN REPORT

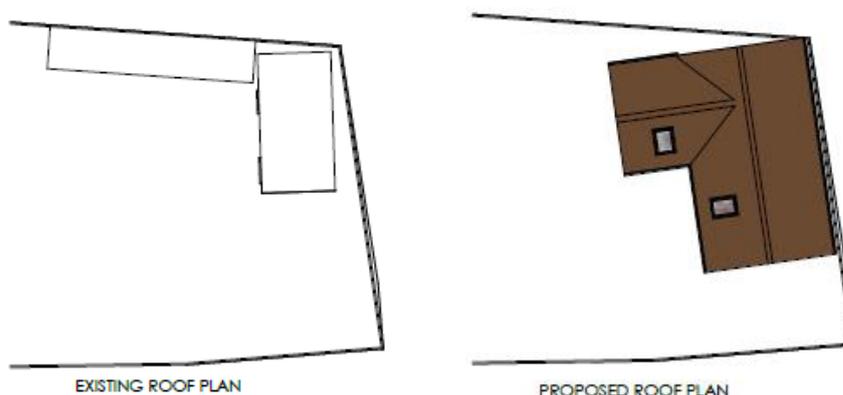
#### 1. DESCRIPTION OF SITE

- 1.01 The application relates to a two-storey semi-detached dwelling located in a small cul-de-sac within the Maidstone Urban Area. The application site is a corner plot at the junction of Skye Close and Anglesey Avenue and falls within the North Loose Neighbourhood Plan Area.
- 1.02 The property is a residential dwelling, and the site is not situated within a conservation area, or an area of outstanding natural beauty. Additionally, there are no restrictions on the permitted development rights to extend or alter the dwelling house.

## 2. PROPOSAL

- 2.01 The proposal is for the demolition of existing garage and open sided shed and erection of a detached residential annexe ancillary to the main dwelling. The property has been previously extended with a single storey rear and front extension with linked roof to new garage (which was granted planning permission under reference 19/505626/FULL).
- 2.02 There is an existing closed boarded timber fence to the boundary adjoining the pavement along Anglesey Avenue. This would not be altered. There are existing garage and outbuildings on the site, and these are proposed to be demolished and replaced with the proposed annexe.
- 2.03 The proposed annexe would consist of a living area, bedroom and bathroom plus storage area in the roof space above the bathroom. It is noted that the storage area is not considered habitable due to the limited headroom. The proposed annexe is considered ancillary to the host dwelling.
- 2.04 The proposed annexe would have an L-shaped footprint that echoes the footprint of the existing garage and outbuildings to be demolished (see Figure 1 below). The proposed annexe is approximately 8.1m wide by 7.03m deep measured at the widest and deepest points. It would have an intersecting gable roof with an overall ridge height of 4.03m and an eaves height of 2.4m.

**Figure 1: Existing and Proposed Roof Plans**



## 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

- DM1 – Principles of good design
- DM9 – Residential extensions, conversions and redevelopment within the built-up area
- DM23 – Parking standards

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22):

- LPRSP15 – Principles of good design
- LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment in the built-up area

Neighbourhood Plan: North Loose

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: 9 neighbours consulted.

1 representation received from local residents (No.1A Anglesey Avenue).

Supportive comment:

- The proposed building appears to be well designed and in proportion to the site and in keeping with the residential neighbourhood; therefore I do not object to the development.

However, the following concerns were raised:

- Visual appearance: The main house seems to be under refurbishment and in an unfinished state, which has been so since I moved in 18 months ago. Therefore, I am concerned this new project will not be finished well or take an extended period to complete.
- Disturbance from Use: Occasionally, there have been noisy parties on the premises which have gone late into the night. Therefore, I am concerned that with the new building so close to boundary, I will suffer increased disturbance.

The concerns are noted however issues of build time or potential parties are not material planning considerations. The use of the annexe would be conditioned to be ancillary to the main dwelling and only normal residential activities would be expected to occur in the annexe.

#### **5. CONSULTATIONS**

North Loose Residents Association Planning Forum

5.01 Object to this application for the following reasons:

- Questionable whether the annexe is an extension as it is not attached to the main property and comprises a new detached dwelling. We therefore consider this to be a back garden development.
- The North Loose Neighbourhood Plan, HD Policy 1, states that garden development will be considered only in exceptional cases and where there is a demonstrable local need. We do not consider this criteria to have been met and as such, we object to the application.
- If the planning officer is inclined to approve the application, as it is believed there is demonstrable need, we would ask that conditions be impose:
  - The 'annexed' property can never be sold separately to the main house;
  - No separate access to be allowed to the new development.

#### **6. APPRAISAL**

The key issues are:

- Site background/Principles of Development/Policy Context
- Visual Impact
- Residential Amenity

- Parking/Highway Safety
- Other Matters

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

- 6.01 The application site is located within the Maidstone Urban Area. It falls within the North Loose Neighbourhood Plan Area.
- 6.02 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. DM (xiv) refers to being flexible towards future adaptation in response to changing life needs.
- 6.03 Policy DM9 refers to residential extensions, conversions and redevelopment within the built-up area. DM9 states that within the defined boundaries of the urban area, rural services centres and larger villages, proposals for the extension, conversion and redevelopment of a residential property, design principles set out in this policy must be met. DM9 1 states:
- (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 and/or its context;*
  - (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 Residential Extensions SPD in relation to this proposal sets out the following:
- 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.*
- 6.05 North Loose Neighbourhood Development Plan, HD Policy 1, states that garden development will be considered only in exceptional cases where *there is demonstrable local need.*
- 6.06 As detailed in the applicant's design and access statement, the requirement for the proposed annexe is to accommodate family members, necessary because of the current cost of living crisis, to enable them to be close by yet maintaining independence. However, in any event, the proposed annexe is actually considered as a residential extension and not garden development providing new residential development so local housing needs does not need to be considered for such proposals. What needs to be ensured is that the proposal remains ancillary to the main dwelling.
- 6.07 The proposed annexe would be considered ancillary to the host dwelling and a condition will be imposed to address North Loose Residents Association's concerns regarding the potential creation of a separate dwelling. Such conditions are regularly used on annexe permissions to ensure that the annexe remains ancillary and read as follows:
- "The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as 1 Skye Close, Maidstone."*

- 6.08 The principle of residential extensions within settlements is therefore considered acceptable, provided that the material planning considerations discussed below would be acceptable.

### **Visual Impact**

- 6.09 As mentioned, the proposed annexe will be sited at the north-eastern corner of the curtilage where the garage and outbuildings are presently located.
- 6.10 The proposed annexe would be predominantly shielded by the existing closed boarded timber fence and would only be partially visible from the streetscene. It is considered that the proposed annexe would be an improvement visually from the dilapidated garage and outbuildings. Furthermore, the annexe roof which would be visible above the fence would be considered to match that of the existing rear and side extensions.
- 6.11 Additionally, soft landscaping shall be conditioned within the garden along the southern boundary to further shield the proposed annexe and also to soften the large expanse of the closed boarded timber fence. Overall, the proposed annexe is not considered to have a detrimental impact on the streetscene or character of the area. Such buildings at the rear end of the garden are not unexpected and would not look out of place.

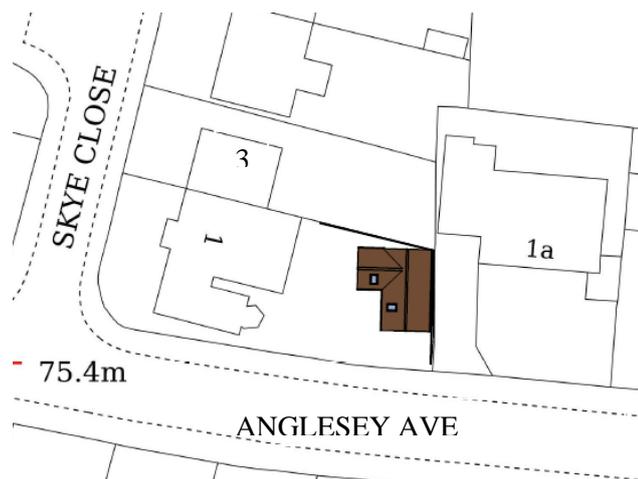
**Figure 2: View from Anglesey Avenue**



- 6.12 The scale of the proposed annexe is considered modest and subservient to the host dwelling. The proposed materials consist of rendered masonry, grey/black fibre cement wall cladding, concrete roof tiles and anthracite UPVC door and windows, all of which would match the host dwelling. Therefore, the overall design and materials proposed are considered to be visually acceptable and be in keeping with host building.

### **Residential Amenity**

- 6.13 The adjoining neighbour is No. 3 Skye Close to the north and No. 1A Anglesey Avenue to the east. All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.



**Figure 3: Neighbouring Properties**

- 6.14 The proposed annexe is in close proximity to the common boundary with No. 1A Anglesey Avenue on the east. However, the outlook is towards No. 1A's car port. With regards to No. 3 Skye Close, the modestly scaled annexe is setback by approximately 9.9m away from the property and is considered sufficient distanced. Overall, it is considered that no detrimental impact on neighbouring amenity in terms of loss of light or overshadow would result.
- 6.15 In terms of loss of outlook, No. 1A and No. 3 currently look onto the existing dilapidated outbuildings and garage and so the outlook will not be noticeably different. In fact with the rationalizing of the outbuildings and garage as well as overall tidying up of the area, the outlook is likely to be improved with the proposal.
- 6.16 There is no adjacent facing fenestration proposed on the north or east elevations and therefore, it is considered that no additional overlooking and loss of privacy to neighbouring occupiers would result.
- 6.17 Taking the above into consideration, it is considered that the proposal will not cause unacceptable harm to the residential amenity of the adjoining properties.

### **Parking/Highways**

- 6.18 The proposal would facilitate an additional bedroom. However, there is a purpose-built garage and sufficient off-road parking at the front of the host dwelling for a minimum of 3 cars. No harm highway safety/parking provision would result.

### **Other Matters**

- 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.

## **PUBLIC SECTOR EQUALITY DUTY**

- 6.20 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 erection of a detached annexe ancillary to the main building 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:  
  
Site Location and Block Plans. Received 09.01.2023.  
  
Existing and Proposed Floor, Roof Plans and Elevations - Drawing no. B01. Received 11.01.2023.  
  
Proposed Ground and Upper Ground Floor Plans - Drawing no B02. Received 11.01.2023.  
  
Internal 3D Views - Drawing no. B03. Received 11.01.2023.  
  
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) The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit; and shall only be used as ancillary accommodation to the main dwelling currently known as 1 Skye Close, Maidstone.  
  
Reason: Its use as a separate unit would be contrary to the provisions of the development plan for the area within which the site is located.
- 5) The development 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.

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

- 6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. The landscape scheme shall specifically address the need to provide native or near-native species planting to screen the proposed annexe along the southern boundary.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 7) The use or occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the 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.
- 3) 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.

- Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
- 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.
- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

Case Officer: Ping Tye

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