

APPLICATION: MA/10/0832 Date: 5th May 2010 Received: 16th June 2010

APPLICANT: Mrs Boorman

LOCATION: 1, WICKHAM PLACE, LENHAM, MAIDSTONE, KENT, ME17 2PF

PROPOSAL: Erection of conservatory as shown on Design and Access statement, site location plan and drawing no. MC 13404/1 received 14/05/10 and drawing no. MC 13404/7 received 03/08/10.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Kathryn Altieri

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Lenham Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18, ENV34

Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS5 - Planning for the Historic Environment

HISTORY (relevant)

MA/10/0472 - Erection of a conservatory - withdrawn

MA/87/1928 - Erection of five houses and two flats – approved/granted with conditions

CONSULTATIONS

See appended report.

REPRESENTATIONS

Neighbours: In total, six letters of objection have been received from two households, raising concerns over;

- Impact upon conservation area
- Out of keeping with surrounding area
- Scale and over dominance
- Loss of light

- Maintenance of gap to the side of the proposal
- Proposed use of materials
- Existing covenants

CONSIDERATIONS

1. Background information

1.1 This application was previously presented to Planning Committee 22nd July 2010 and was deferred by Members to enable the submission of larger plans. The enlarged drawings of the proposal were received 3rd August and all interested parties were re-consulted. The re-consultation period ended 19th August 2010 and the report is now ready to be reported back to Planning Committee for formal determination.

1.2 This report will consider representations made during this period as well as re-emphasising certain points already made in the original report. The original committee report is attached (Appendix 1).

2. The Site

See appended report.

3. The Proposal

See appended report.

4. Planning Issues

4.1 The considerations have not significantly changed and so please refer to the appended report. However, I would like to elaborate on some of the points already made in my previous report.

4.2 The shared boundary treatment between the rear gardens of 1 and 2 Wickham Place includes a 1.8m close boarded panel immediately attached to the rear flank of 1 Wickham Place (approx 1m in length) and then low level fencing of some 1.3m in height from ground level. In addition, the applicant has a hedge (some 1.8m in height) running along side this boundary treatment. This hedge would be removed for this proposed development but the applicant has confirmed that the existing fencing would remain unaffected. The rear boundary treatment for this terrace consists of high level fencing (more than 2.5m in height).

4.3 As shown by the enlarged drawing, the extension's elevation closest to the shared boundary with 2 Wickham Place would have a 2m brick wall (painted white) and then high level windows measuring 0.5m. These high level windows and the fully glazed roof that is proposed would allow natural light to pass through. I believe that this

choice of material, together with its eaves height, hipped roof design and it being set away from the shared boundary (by some 0.2m), would ensure that this development would not cause a significant loss of light to 2 Wickham Place or have an overwhelming impact upon this neighbour.

4.4 A BRE daylight test was carried out from the re-submitted plan. This was to see if there would be any impact upon the neighbour (2 Wickham Place) in terms of loss of daylight. Once again, the proposal, when judged against this test passed. As such, there would be no loss of light to the neighbours that would warrant a refusal. I would also like to highlight that the rear patio doors of 2 Wickham Place are fully glazed and some 1.8m in width, allowing optimum levels of light into the room it serves.

4.5 It is considered that even with this modest extension in situ and the high level boundary treatment along the rear boundary, the orientation of this terrace is such that limited sunlight already reaches the rear gardens of the adjoining neighbours. Therefore, I do not believe that this proposal would have a significant enough detrimental effect upon this situation, to justify refusal.

5. The conclusion

5.1 The comments raised by Lenham Parish Council and the neighbours, in relation to material planning matters, have been dealt with in the main body of this report. However, I would like to add that any covenants on the site or maintenance issues of the gap created to the side of the development are not planning considerations and therefore cannot be considered under this application.

5.2 It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION

APPROVE 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 shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local

Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development. This is in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and PPS5.

3. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery in the form of large scale drawings.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained. This is in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and PPS5.

Informatives set out below

None

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.