

APPLICATION: MA/12/0128 Date: 26 January 2012 Received: 27 January 2012  
APPLICANT: Mr Toby Staff  
LOCATION: 85, BOUGHTON LANE, MAIDSTONE, KENT, ME15 9QP  
PARISH: Maidstone  
PROPOSAL: Erection of single storey side and rear extension (re-submission of MA/11/2099) as shown on site location plan and drawing nos. P627/1, 2 Rev A, 3 and 4 received 27/01/12.  
AGENDA DATE: 8th March 2012  
CASE OFFICER: Kathryn Altieri

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

- Councillor Chittenden has requested it be reported for the reasons set out in the report.

### **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H18
- South East Plan 2009: CC1, CC6, BE1
- Village Design Statement: N/A
- Government Policy: PPS1
- Supplementary Planning Document – Residential Extensions
- Supplementary Planning Document - Character Area Assessment for Loose Road

### **2. HISTORY**

- MA/11/2099 - Erection of part two storey and part single storey side and rear extension – withdrawn
- MA/11/2098 - Outline application for erection of 1(no) dwelling with associated works with access to be considered at this stage and all other matters reserved for future consideration – refused

### **3. CONSULTATIONS**

- None

#### **4. REPRESENTATIONS**

- Councillor Chittenden;

*Should you be considering approving this application, I would ask that it be taken to committee for the following reasons.*

- 1. The house has already been extended to the rear (the new proposed extension at the rear butts onto this). While there are no dimensions given on the drawings available on line, it would seem that the overall extension in relation to the original building line is well in excess of the 4m recommended under clause 4.10 of the Residential extensions SPD.*
  - 2. On the drawings provided, the height of the single storey extension as shown on elevation would seem to be higher than expected for a single story building with the brick walls finishing at the height of the cills to the first floor windows. On this basis, while not a full two storey, I would question whether it should be considered on the basis of a two storey extension as the gap between the buildings will be lost for a substantial part of the height.*
  - 3. The extra height and length of the extension will result in substantial loss of light to the patio doors at the rear of 83 Boughton Lane and will seriously reduce lighting available to the external amenity area adjacent to the patio doors where a new patio is to be constructed.*
- Neighbours: 8 representations have been received raising concerns over the following;
    - Infilling of gap between 83 and 85 Boughton Lane
    - Scale of development
    - Over development of site
    - Impact upon character of area
    - Intended use of proposal
    - Overlooking
    - Overbearing development
    - Loss of light

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

- 5.1.1 The application site relates to a relatively large and rectangular shaped plot of land that is occupied by a substantially sized (detached) residential dwelling. The property has red facing brick at ground level and white render and beams at first floor level; an existing single storey side extension; a front conservatory; and small single storey projection to the rear. To the front of the site there are two vehicle entrances and an extensive area of hardstanding for parking; and

the boundary treatment adjacent to the road consists of a low level ragstone wall with post and rail fencing over. Set back some 8.5m from Boughton Lane, the property is opposite the junction with Paynes Lane and is within the urban area of Maidstone. The surrounding area largely consists of properties of differing scale, design and age.

5.1.2 The application site does not fall within any other specially designated economic or environmental area, as shown by the Maidstone Borough-Wide Local Plan 2000.

## **5.2 Proposal**

5.2.1 The proposal is for the erection of a single storey side and rear extension to provide the occupants with a gym area and family room. This proposal would replace the existing single storey side extension on the property's northern flank.

5.2.2 Projecting some 4.3m from the side (northern) flank of the main house, the proposal would extend some 12.9m back towards the rear of the property, with the rear element projecting some 4.2m beyond the original rear (eastern) elevation of the main house. When viewed from the rear, the proposal would measure some 11m in width and with its flat roof would stand some 3.6m in height from ground level. A false pitched roof to the front of the proposal would have a ridge height of some 4.3m from ground level, with the eaves to the front lowered to some 2.5m in height.

5.2.3 The proposal would include a light well, but this would be a largely glazed void area with rooflights to provide extra light to the proposed gym area at ground floor level. The proposal does not include any first floor living accommodation.

## **5.3 Principle of development**

5.3.1 The specific policy under the Maidstone Borough-Wide Local Plan 2000 (MBWLP) relating to housing extensions within the urban area is Policy H18. Furthermore, the Council's adopted Supplementary Planning Document – Residential Extensions (SPD) is also of relevance. The principle for this type of development is acceptable and I will largely consider it against the criteria/guidance set out in policy H18 of the MBWLP and the SPD.

## **5.4 Impact upon the property and streetscene**

5.4.1 The proposal is single storey in nature, it is replacing an existing single storey side extension and although flat roofed, is not considered to be of an excessive height or scale. Indeed, I consider the side projection of some 4.3m to be reasonable and in reference to paragraph 4.11 of the Council's SPD... *"On detached houses situated close to a neighbouring property, extensions should*

*generally extend no more than 4m from the rear elevation”, this proposal would only marginally project more than this, at some 4.2m.*

- 5.4.2 Moreover, the false pitched roof to the front would compliment the main house when viewed from Boughton Lane, the proposed light well would continue the property’s existing roof slope; and the use of matching external materials would only fully respect the style of the main house. I therefore consider that this proposal would not overwhelm or destroy the character of the original property.
- 5.4.3 The Council’s adopted SPD (para 4.17) makes it clear that...*“Where there is a pattern of gaps between properties within a street, as a guide, a minimum of 3m between the side wall of a two storey side extension and the adjoining property for the full height of the extension is normally desirable”*. This proposed development is single storey (replacing an existing side extension) and so visual interest and more specifically the gap at first floor level between 85 and 83 Boughton Lane would be maintained. Whilst I do not consider the light well element to be two storey, for avoidance of doubt, a separation gap of 3m would still be maintained between it and 83 Boughton Lane’s own side extension.
- 5.4.4 To emphasise further, Boughton Lane is a mixture of residential properties of differing scale, design and age positioned informally along the highway and I consider this modest proposal to be consistent with this pattern and grain of development. It would not be at odds with the rhythm of the street and the visual break between the two properties would not be significantly eroded. The informal layout and long views maintained between 83 and 85 Boughton Lane would continue to give a good sense of openness, which is a strong characteristic of the street; and so would also be in accordance with the sentiment of the Council’s adopted SPD - Loose Character Area Assessment (8.9).
- 5.4.5 I therefore consider that this proposal would not significantly affect the character and appearance of the existing property or the surrounding area and as such conclude that it would be in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000 and the Council’s adopted SPD.

## **5.5 Residential Amenity**

### 83 Boughton Lane (nbr to north of site)

- 5.5.1 The nearest ground floor rear opening of this neighbour serves their garage area which is not considered to be a habitable room and so any loss of light to this area is not a material planning consideration. However, in accordance with the Council’s ‘Supplementary Planning Document – Residential Extensions’, the BRE daylight test was carried out, to see if there would be any impact upon the nearest ground floor rear opening that serves a habitable room (the lounge) in terms of loss of daylight. The proposal would be more than 5m away from this

window, it did pass the said BRE light test and so I am satisfied that this proposal would not result in a significant loss of light to the lounge.

- 5.5.2 Moreover the proposal, given its single storey nature and separation distance, would not result in a significant loss of light to any other opening serving a habitable space, and there are no openings in this neighbour's side (southern) flank to be affected by this development.
- 5.5.3 No new openings would directly face onto this neighbour and in terms of shared boundary treatment there is an existing 1.8m high close boarded fence between the two properties. As well as this, this neighbour has an external brick wall that projects some 3m from their property's rear flank (close to the boundary), standing some 3m in height.
- 5.5.4 So whilst I appreciate that this neighbour is set on lower ground than 85 Boughton Lane, their own existing side extension, external projecting wall and boundary treatment would screen the bulk of this development from their view whilst already creating a sense of enclosure to their patio area. In my opinion, the section of the development that would be visible from this neighbour's patio area would be minimal and when considered with what already exists on site, would not have an overbearing impact upon this neighbour; and nor would it significantly affect the outlook of the occupants of this neighbouring property, enough to justify refusal.
- 5.5.5 Given that no new openings would directly face onto this property, including the angled roof lights to the light well that only face the blank flank wall of this neighbour, the proposal would also not result in a significant loss of privacy to the occupants of 83 Boughton Lane.

87 Boughton Lane (nbr to south of site)

- 5.5.6 The proposed side element would not be visible from 87 Boughton Lane and the single storey element would remain more than 10m away from this neighbour, being largely screened by the existing 1.8m high close boarded fencing for shared boundary treatment. This fencing would also maintain acceptable levels of privacy for the occupants of 87 Boughton Lane.
- 5.5.7 No other neighbouring property would be within a significant distance of this proposal, to have its residential amenity adversely affected.
- 5.5.8 It is therefore considered, because of the proposal's scale, design and location, there would be no significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

## **5.6 Impact upon parking/highway safety**

5.6.1 A garage space would be lost as part of this development, however, no further bedroom accommodation would be created and the site would continue to have ample off road parking for a property of this size in a sustainable location within walking distance of local amenities and bus routes. I therefore consider that this proposal would not have a significant impact upon the parking provision or generate any further need; and given its scale and nature, nor would it have an adverse impact upon highway safety.

## **5.7 Other Matters**

5.7.1 Given the existing residential use of the site, with a patio area and the existing side extension to be built on/replaced, I do not consider there to be any significant issues with regards to a possible impact upon protected species. I therefore consider it unjustified to request any further details with regards to ecology or biodiversity.

5.7.2 The site is not within a Flood Zone, as designated by the Environment Agency and is not within close proximity of any noticeable watercourse. I am therefore of the view that this development, given its siting and modest scale, would not be prejudicial to flood flow, storage capacity and drainage within the area.

## **6. CONCLUSION**

6.1 The objections expressed by Councillor Chittenden and the neighbours have been dealt with in the main body of this report. However, I would like to add that there is no reason to doubt the intended use of this proposed extension and if the property is subdivided at any point in the future then this would be a matter for the Council's Planning Enforcement Department.

6.2 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.

## **7. 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 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. This is in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and BE1 of the South East Plan 2009.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: P627/2 Rev A received 27/01/12;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers. This is in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and BE1 of the South East Plan 2009.

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 Kent Structure Plan 1996) and there are no overriding material considerations to indicate a refusal of planning consent.