

APPLICATION: MA/11/1721 Date: 30 September 2011 Received: 7 October 2011

APPLICANT: Mr Martin Cox & Mrs Mel Ward

LOCATION: 4, HAVIKER STREET, COLLIER STREET, TONBRIDGE, KENT, TN12 9RG

PARISH: Collier Street

PROPOSAL: Erection of shed (amended scheme to planning permission MA/11/1055)

AGENDA DATE: 9th August 2012

CASE OFFICER: Louise Welsford

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

- it is contrary to views expressed by the Parish Council.

## **1.0 POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, H33.

South East Plan 2009: BE6, C4, CC6.

Government Policy: National Planning Policy Framework.

Supplementary Planning Guidance 'Residential Extensions'.

## **2.0 HISTORY**

- |     |            |  |
|-----|------------|--|
| 2.1 | MA/75/0574 | 2 storey rear extension - APPROVED   |
|     | MA/82/1161 | Replacement garage, 3 dormers and chimney - APPROVED   |
|     | MA/82/1555 | 3 dormers, chimney and single storey side extension - APPROVED   |
|     | MA/11/0246 | Erection of a first floor side extension and erection of a garden shed – REFUSED   |
|     | MA/11/0248 | An application for listed building consent for the erection of a first floor side extension incorporating minor internal alterations - REFUSED |

MA/11/1048 An application for listed building consent for a first floor side extension - APPROVED  
MA/11/1055 Erection of a first floor side extension and a garden shed - APPROVED

### **3.0 CONSULTATIONS**

#### 3.1 Collier Street Parish Council:

"The amended scheme will clearly intensify the useage at first floor level and will create an overlooking issue. As an aside our understanding is that the useage will not be purely household.

We did not receive drawings of the proposed shed with the original application 11/1055 showing the size and height. If we had we would certainly have objected to the proposed development.

The staircase will provide a platform for overlooking into the bedrooms of the adjoining property."

"The amended scheme (moving the door) failed to overcome our previous objection to the application, namely that there were significant overlooking issues from the staircase platform and that this represented an intensification of use compared to the originally submitted proposals (a staircase being easier to use than a drop down loft ladder)".

#### 3.2 Conservation Officer: No objections.

### **4.0 REPRESEENTATIONS**

#### 4.1 Representations have been received from 3 parties, from or on behalf of two neighbouring properties, objecting upon the grounds of:

- loss of privacy/overlooking
- impact on surrounding properties
- overbearing
- damage to cesspool (Officer comment: This is a civil issue).
- Changes should have been shown on original plans
- Discrepancies in plans
- Overshadowing

- Buildings outside site not to scale on plans
- Building regulations issues
- Development overhangs boundary of garden
- Scale not in keeping with listed buildings

## **5.0 CONSIDERATIONS**

### **5.1 Site and Situation**

- 5.1.1 This application relates to the grounds of a semi detached, grade II listed dwelling. The building dates from c. 17<sup>th</sup> century and is constructed of painted brick and render, under a plain tiled roof.
- 5.1.2 To the rear (east) of the dwelling is an outbuilding, which is the subject of this application, approximately 10m from the dwelling. It is more than 10m from the dwelling number 3 and more than 25m from Holly Lodge.
- 5.1.3 The site lies in the open countryside, in the parish of Collier Street. The area is sparsely developed, with a scattering of dwellings mainly to the eastern side of the road.

### **5.2 Planning History Considerations**

- 5.2.1 Planning Permission and Listed Building Consent were granted under references MA/11/1055 and MA/11/1048 for the erection of a first floor side extension to the dwelling and a detached outbuilding to the east of the dwelling.
- 5.2.2 A side extension and an outbuilding have been constructed, but neither is in accordance with the approved plans.
- 5.2.3 The outbuilding which has been constructed is the subject of this application. The extension is the subject of a separate enforcement investigation.

### **5.3 Proposal**

- 5.3.1 Planning Permission is sought for the retention of the outbuilding which has been constructed and for the installation of an external staircase. The building is stated to be required for purposes ancillary to the use of the dwelling. The footprint of the building is shown as 5.5m x 4.5m and its eaves height approximately 3m, ridge height approximately 5.2m.
- 5.3.2 It is important to note that the extant permission, MA/11/1055, gave permission for a building of this scale. The key changes between the

previously approved scheme and this scheme are that the rooflights have been installed to the east elevation only (they were previously approved also to the west) and an external staircase is now proposed to serve a first floor. A door has been installed to the first floor of the side elevation. A window and door have been transposed to the ground floor from the positions shown on the plans.

5.3.3 The visual impact of a building of this scale has therefore previously been considered.

#### 5.4.0 Residential Amenity

5.4.1 The key issue in relation to this application relates to the impact upon residential amenity for neighbouring properties, in terms of privacy.

5.4.2 The rooflights which have been installed to the east elevation are facing away from the properties adjoining the site and look out towards the open countryside. Due to their positioning, they do not cause significant overlooking to any nearby residential property.

5.4.3 Objections have been received regarding the proposed staircase, which would be installed to the north elevation. The staircase would be within 15m of No 3 Haviker Street (attached). It would be more than 25m from the dwelling Holly Lodge. Both of these properties have objected. It is accepted that the staircase would provide views at an elevated level towards the rear openings of No 3. However, the following points are considered important.

5.4.4 In relation to No 3, the door is sited at right angles and would not provide views into that property. There would be a platform at the top of the stairs, but a staircase is a functional structure which is normally in transient use. During the normal use of a staircase, it is anticipated that there would only be brief views towards No 3, as it is not a structure like a balcony where one would usually sit or stand for any length of time.

5.4.5 Moreover, it is material to note that the existing garden of the site extends across part of the rear of No 3. As a consequence, it is possible to sit directly to the rear of No 3, within the garden of the site, facing the rear of No 3 and obtain clear views of it. It is considered that seating within the garden is reasonably likely to occur for much longer periods of time than the usage of the staircase.

5.4.6 In relation to Holly Lodge, again, there would be views from the staircase, but these would be over a greater distance and this distance (over 25m) is considered sufficient to prevent any significant loss of privacy. This

relationship is no closer than one might expect between the first floor levels of dwellings.

5.4.7 I conclude that, whilst the staircase would give greater views over adjoining property, due to the functional nature of its use, being primarily a means of movement from ground to first floor level and the existing views which could be obtained from the garden area, any loss of privacy would not, on balance, be of such a scale to justify a refusal.

5.4.8 Policy H33 of the local plan and the Supplementary Planning Guidance 'Residential Extensions' both seek to maintain acceptable levels of privacy for neighbouring properties. However, the Supplementary Planning Guidance 'Residential Extensions' refers more specifically to windows, roof terraces and balconies, which generally would cause greater overlooking issues than a staircase. For the afore-mentioned reasons, the proposal is considered to comply with Policy H33 of the local plan and the Supplementary Planning Guidance 'Residential Extensions' in respect of its impact upon privacy.

5.4.9 In terms of light and outlook, the scale and height of the building remain as previously approved and the changes to fenestration and staircase would not have any significant adverse impact in these regards, because they would not add any significant mass. At this scale, the building is not considered to have any significantly detrimental impact upon neighbouring properties, due to its siting and distances to other properties (more than 10m from the dwelling number 3 and more than 25m from Holly Lodge). The proposal therefore complies with Policy H33 of the local plan and the Supplementary Planning Guidance 'Residential Extensions' in these regards.

## 5.5 Visual impact and impact upon setting of Listed Building

5.5.1 Due to its scale and design, and its siting, the development would not cause significant visual harm to the character or appearance of the countryside, or to the setting of the listed pair of dwellings. The building is sited a minimum of approximately 10m from the listed dwellings and in a subordinate position to them, being to the rear. Dark stained weatherboarding, which has been used for the walls, is a traditional, rural material and the shingles used for the roof have a satisfactory visual appearance. The Conservation Officer raises no objection to the proposals. A building of such a scale and appearance has previously been considered under reference 11/1055.

- 5.5.2 It is important to note that the fallback position of extant permission MA/11/1055, which allows for a building of such a mass and height. The staircase would result in no significant additional mass.
- 5.5.3 The proposal would not impact detrimentally upon the space around the buildings, or the character or openness of the countryside. Its scale is not, on balance, considered to be significantly in excess of what might reasonably be expected for its function. The proposal therefore complies with Policy H33 of the local plan and the Supplementary Planning Guidance 'Residential Extensions' in these regards.

## 5.6 Other Issues

- 5.6.1 The applicant has confirmed that the use of the building is ancillary to the main house. It is stated to be used for hobbies, for an average of 8-12 hours per week. It is further stated that sound insulation has been installed. A condition may be attached to ensure no commercial use within the building, which may potentially be harmful to residential amenity.
- 5.6.2 Comments have been made regarding the accuracy of the plans. Given that the development has been largely constructed, it is considered that the application can be fully assessed from the development on site and the submitted drawings (the only proposed change being the addition of the staircase). Whilst it is noted that a window and door have been transposed to the ground floor from the positions shown on the plans, these are in situ and their impact, including upon residential amenity, can therefore be fully assessed.
- 5.6.3 It is noted that the position of the rear (eastern) boundary may have been slightly altered to incorporate a slightly larger area within the residential area (where this development is sited). However, this increase is of minimal scale and the position of rear boundaries varies considerably to dwellings in this part of Haviker Street. This change has not resulted in any material harm to the character, appearance or openness of the countryside.

## 6. Conclusion

- 6.1 I have considered all of the relevant issues raised in representations and the fallback position of the extant permission MA/11/1055. I conclude that the proposal would not result in a significant loss of residential amenity for any neighbouring property, or harm to the character or appearance of the countryside. It would preserve the setting of the Listed Building.

Approval is recommended.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following condition:

1. The building hereby permitted shall only be used for purposes incidental to the domestic use of the related dwelling house and for no other purposes or use;

Reason: To prevent the introduction of commercial uses which would cause demonstrable harm to the enjoyment of their properties by adjoining residential occupiers. This in accordance with Policy H33 of the Maidstone Borough-Wide Local Plan 2000.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.