

APPLICATION: MA/12/1806 Date: 4 October 2012 Received: 12 October 2012

APPLICANT: Mr & Mrs Tim Batchelor

LOCATION: 28, HOCKERS LANE, DETLING, MAIDSTONE, KENT, ME14 3JN

PARISH: Detling

PROPOSAL: Erection of single storey rear extension and alterations to roof to form pitched roof with raising of existing ridge (resubmission of MA/12/0888 and MA/12/1376) as shown on drawing numbers 12/0449 and 12/0450 received 4th October 2012, supported by a design and access statement received 10th October 2012.

AGENDA DATE: 31st January 2013

CASE OFFICER: Catherine Slade

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

- It is contrary to views expressed by **Detling Parish Council**.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV31, ENV33, ENV34, H18, T13
- South East Plan 2009: CC1, CC6, C3
- Village Design Statement: Not applicable
- Other: Residential Extensions Development Plan Document 2009
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

MA/12/1376 Erection of single storey rear extension and alterations to roof to form pitched roof with raising of existing ridge - REFUSED

MA/12/0888 Erection of single storey rear extension and alterations to roof to form pitched roof with raising of existing ridge - REFUSED

MA/09/0558 Erection of a rear conservatory - APPROVED WITH CONDITIONS

- 2.1 The current application is the resubmission of two previous applications which have been refused, both on the grounds of harm to the residential amenity of

the occupiers of neighbouring properties by way of loss of privacy, in the case of MA/12/0888 30 Hockers Lane, and in the case of MA/12/1376 26 Hockers Lane. In both cases the harm would have resulted from the inclusion of roof lights to the side roof elevation in the schemes put forward.

3. CONSULTATIONS

3.1 **Detling Parish Council** wish to see the application refused on the grounds that “the proposed extension is too big and obtrusive”, and note that letters of objection have been received by the Parish Council in regard to the application.

4. REPRESENTATIONS

4.1 Three representations were received, which raised the following concerns:

- Design and impact on the streetscene.
- Harm to residential amenity by way of loss of privacy, loss of light.
- Issues of highway safety, traffic generation and onsite parking provision.
- Noise and disturbance during the construction period.
- Concerns over the consultation procedure and the description of the proposal.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application relates to a site located in the defined village settlement of Detling. A residential plot, the site contains a detached bungalow which has been previously extended with a rear extension previously permitted under MA/09/0558. The site is also located within the North Downs Area of Outstanding Natural Beauty and a Special Landscape Area.

5.1.2 The proposal site has an existing vehicular access to Hockers Lane, an unclassified highway, and off road parking for three vehicles to the front of the main dwellinghouse. Although a detached garage is located to the rear of the main dwelling, the access leading to this is not wide enough to allow vehicular access to the building.

5.1.3 The surrounding area comprises detached properties which are predominantly single storey in scale. The properties are largely of a similar age although differ in design and scale as many have been subject to rear extensions and roof additions. There is a consistent pattern of development and building line to the western side of the streetscene. To the eastern side, there is a greater mix of development with a number of two storey properties and single storey dwellings with first floor front additions.

5.2 Proposal

- 5.2.1 The proposed development is the erection of a rear extension and alterations to the roof including an increase in the ridge height and the introduction of gables to the front and rear elevations, as shown on drawing number 12/0450.
- 5.2.2 The proposed works would result in the extension of the building to the rear and the form of the building changing from a square footprint with a central apex and rear conservatory to a rectangular building with a central ridge running from front to rear. The proposal would result in an increase in the depth of the building of 4.1m, and in the maximum height of the building of 1.6m. The eaves heights of the building and its width would remain unchanged. The proposal includes the introduction of two roof lights to the north elevation and one to the south elevation; the submitted plans show these to serve a bathroom and en suite, and a wardrobe, respectively.
- 5.2.3 The current application is the resubmission of a scheme which has been submitted and refused on two previous occasions. The previous applications were refused on the grounds that the roof lights to the side roof slopes would result in direct overlooking of the adjacent properties as a result of serving habitable rooms, it not being considered reasonable to condition such openings to be opaque glazed and fixed. The scale and design of the scheme, and its impact on the streetscene and the amenity of neighbouring occupiers in respect of light, outlook and privacy have been fully assessed in the determination of the two previous applications, and the scheme was found to be unacceptable on the grounds of privacy only.
- 5.2.4 The application before Members from those previously assessed in the arrangement of the openings to the side roof slopes and the internal layout of the accommodation in the roof space.

5.3 Principle of Development

- 5.3.1 Extensions to residential properties in locations such as this which fall within defined settlements are primarily assessed under the provisions of policy H18 of the Local Plan, which requires proposals to be of an appropriate scale and design; to complement the streetscene and surrounding area; to maintain residential amenity; and provide adequate car parking within the site.
- 5.3.2 Applications for residential extensions are also subject to assessment against the policies set out in the Maidstone Borough Council Residential Extensions Supplementary Planning Document (SPD), which require extensions to dwellings within defined settlements to be of high quality and to respect the existing

pattern of built development and the amenity of the occupiers of adjacent properties.

5.3.3 This policy and SPD are in accordance with policies CC1 and CC6 of the South East Plan 2009, which seek to secure a high quality of design in new development.

5.3.4 These policies are in accord with central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

5.4 Design and Visual Impact

5.4.1 The proposed extensions and alterations to the dwellinghouse are considered to be well related to the character and appearance of the existing dwellinghouse, in accordance with Development Plan policy. Whilst the proposal would result in an increase in the height of the building, it is considered that the overall visual impact of the proposal on the streetscene would be acceptable in this location given the variety of housing scales and type in the immediate vicinity of the site.

5.4.2 For these reasons, there is therefore no objection to the proposal on the grounds of design or visual impact, and in this I concur with the assessment of the previous schemes.

5.4.3 For these reasons, there is therefore no objection to the proposal on the grounds of design or visual impact.

5.5 Impact on residential amenity

5.5.1 The relationship of the development to the adjacent dwellings in respect of outlook and loss of light has been previously assessed in the determination of the previous applications, and has been found to be acceptable. Given the similarities with the previous schemes in respect of the scale and form of the proposed additions and alterations to the building, I have no reason to diverge from the previous findings.

5.5.2 The previous applications were refused on the grounds that the inclusion of roof lights to the side roof slopes would result in loss of privacy to the occupiers of the neighbouring properties to the north and south, and this harm could not satisfactorily be addressed by way of condition as it would not be considered reasonable to require the only openings to habitable rooms to be opaque glazed and fixed. The applicant has overcome this objection through the rearrangement of the internal layout, which allows the three bedrooms to be provided to have windows to the front and rear elevations. As the roof lights now serve non-habitable rooms, the Council can exercise control over their glazing and opening,

which will protect the amenity of the occupiers of numbers 26 and 30 Hockers Lane. It is therefore considered that the applicant has adequately overcome the reason for the refusal of the previous schemes, and there is no longer any objection to the proposal on the grounds of loss of privacy.

5.5.3 I note that objection has been raised on the grounds of the introduction of openings to the side elevations of the dwelling. In most cases these would serve non-habitable rooms, and in any case, to my mind, would not significantly increase overlooking in comparison with the existing openings. For this reason I do not consider that an objection on this ground could be sustained at appeal.

5.5 Other Matters

5.5.1 The proposal would not result in any changes to the existing access arrangement or provision of onsite parking provision. The proposal would result in a net increase in one bedroom, and given the scale of the increase in accommodation, the existing provision of onsite car parking (which would remain unchanged) and the village centre location of the site, it is not considered that there is any objection to the proposal on the grounds of highway safety.

5.5.2 The proposal would have no implications for heritage or ecological assets, and is not in a location recorded by the Environment Agency to flood. Although the proposal would result in the loss of an area of lawn, this is limited in extent. The proposed development would not have any significant visual impact upon the quality or appearance of the AONB or SLA.

5.5.3 The comments relating to the consultation procedure are noted, however the application was publicised in accordance with the relevant legislation through the display of a site notice. In addition, letters were sent to the occupiers of the two adjacent properties. It is considered that the description of the proposal is adequate, and that reasonable steps have been taken to allow members of the public to view applications.

5.5.4 Members will be aware that disturbance and noise resulting from construction works are not a planning matter.

6. CONCLUSION

6.1 For the reasons set out above, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide, Local Plan 2000 and South East Plan 2009, and with the Maidstone Borough Council Residential Extensions SPD and national planning policy as set out in the National Planning Policy Framework 2012, having regard to all other material considerations, and it is therefore recommended for approval subject to conditions.

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 development hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with policies H18 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

3. Before the development hereby permitted is first occupied, the proposed rooflights to the north and south elevations of the development hereby permitted shall be obscure glazed and shall be incapable of being opened, and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties in accordance with policies H18 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing numbers 12/0449 received 4th October 2012, supported by a design and access statement received 10th October 2012;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policies H18 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.