

APPLICATION: MA/13/1236 Date: 5 July 2013 Received: 11 July 2013
APPLICANT: Mr Humphrey
LOCATION: 6, NURSERY AVENUE, BEARSTED, MAIDSTONE, KENT, ME14 4JS
PARISH: Bearsted
PROPOSAL: Loft conversion with dormers and roof alteration to rear as outlined by the letter and drawing numbers BDS-183-02 and BDS-183-03 received on 11th July 2013, and BDS-183-01A and BDS-183-04A received 4th November 2013.
AGENDA DATE: 21st November 2013
CASE OFFICER: Catherine Slade

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

- it has been called in by **Councillor Ash**.

1. POLICIES

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

2. HISTORY

54/0139E/MK1 Details of proposed bungalow – APPROVED

54/0139/MK1 Outline application for development – APPROVED WITH CONDITIONS

- 2.1 No conditions were attached to the original consents for planning permission restricting permitted development rights.

3. CONSULTATIONS

3.1 **Bearsted Parish Council** raise no objection to the application.

4. REPRESENTATIONS

4.1 **Councillor Ash** has requested that the application be reported to Planning Committee on the grounds of impact on the residential amenity of the occupiers of neighbouring dwellings.

4.2 Nine representations were received from four households as a result of the publicity exercise, which raised the following concerns:

- The scale and design of the proposed extensions.
- Harm to the residential amenity of occupiers of neighbouring properties by way of loss of light/overshadowing, loss of privacy/overlooking, and noise.
- Parking.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application relates to a site located in the defined settlement boundary of Maidstone, within the parish of Bearsted. The property comprises a modest bungalow within a mid twentieth century estate of similar dwellings, some of which have been extended through the introduction of dormers, including number 5 on the opposite side of the road.

5.1.2 The site has front and rear gardens, and an existing access to the public highway. There is off road parking within the site for four vehicles, including an attached garage.

5.1.3 Although the site itself is slopes towards the rear, however land levels slope more widely from west to east, with the result that the proposal site is set down from the neighbouring property number 4 Nursery Avenue by approximately 0.5m and stepped up in relation to the neighbour to the east, number 8, by a similar amount.

5.1.4 The site was visited by the current case officer on 21st October 2013 and 30th October 2013.

5.2 Proposal

5.2.1 The current application is for alterations to the building including the introduction of a hip to gable roof extension to the rear elevation; two hipped dormers to the east elevation; and five rooflights to the west elevation. The proposal would not result in any increase to the footprint of the building, or its ridge or eaves heights.

5.2.2 The alterations to the dwelling would result in the provision of additional living accommodation in the roofspace comprising two additional bedrooms (one en suite) and an additional bathroom.

5.3 Principle of Development

5.3.1 The proposal has been amended in response to the comments of the Case Officer, in respect that the five roof lights proposed to the west elevation are now reduced in size and more than 1.7m above internal floor level, and the glazing to the two dormers to the east elevation are to be obscure glazed and fixed. The proposed development, as amended in response to the case officer's comments, now falls within the scope of permitted development, as assessed against the criteria set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended or modified).

5.3.2 The reason for this is that no part of the development would exceed the highest part of the existing roof or extend beyond the plane of any existing roof slope forming the principal elevation and fronting a highway; and the cubic content of the development would not exceed 50m³. The development further accords with the legislation insofar as the windows proposed to be introduced to the side elevations would in the case of the dormers to the east elevation be obscure glazed and fixed other than a high level fan light, and in the case of the rooflights to the west elevation be more than 1.7m above internal floor level.

5.3.3 As such, the development does not require planning permission. The fall back position in the event of planning permission being refused is that the development can be undertaken without any planning consents being required. It is therefore unreasonable to refuse the current application. This is the key material consideration in the determination of the application.

5.4 Other matters

5.4.1 I am aware of the concerns raised by Councillor Ash and the occupiers of four households, however these do not outweigh the fact that the proposed development falls within the scope of permitted development and therefore does not in fact require planning permission.

6. CONCLUSION

6.1 For the reasons set out above, the proposed development is considered to represent permitted development, as assessed against the criteria set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore recommended for approval.

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 dormer windows shown to the east elevation shall be obscure glazed and incapable of being opened at a height less than 1.7m above finished floor level;

Reason: To prevent overlooking, and thereby safeguard the residential amenity of the occupiers of the property to the east.

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

drawing numbers BDS-183-02 and BDS-183-03 received on 11th July 2013, and BDS-183-01A and BDS-183-04A received 4th November 2013;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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.