

## REPORT SUMMARY

<b>REFERENCE NO - 16/507852/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolish existing garage and erection of two-storey side extension.			
<b>ADDRESS</b> 7 Claremont Road Maidstone Kent ME14 5LZ			
<b>RECOMMENDATION</b> Approve Subject to Conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> This resubmission is considered to overcome the Council's previous reasons for refusal and the reasons as to why the previous appeal was dismissed. The scale, design and use of materials in the extension proposed is in keeping with the current appearance of the property and there is no adverse impact upon the character, appearance and visual amenity of the locality generally. The proposed extension does not result in any unacceptable impacts on adjoining neighbouring properties. External surfacing materials are shown in the application to match those used on the existing dwelling. The proposals are not considered to raise any overriding parking or highway safety issues. The two storey extension as proposed was previously considered acceptable by the inspector at the recent appeal and on this basis it would be different to substantiate a refusal on this basis.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Application called into committee by Cllr David Naghi			
<b>WARD</b> East	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mrs K Golding <b>AGENT</b> Edwards Planning Consultancy	
<b>DECISION DUE DATE</b> 10/01/17	<b>PUBLICITY EXPIRY DATE</b> 09/12/16	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/506785/FULL	Two storey side extension with single storey front extension	Refused	22/10/2015
<i>Summarise Reasons</i> The proposed two storey side extension by virtue of its scale, mass and bulk would overwhelm the character of the existing property, unbalance the pair of semi-detached properties and have a detrimental impact upon the character of the area and the street scene. The development would therefore be contrary to policy H18 of the Maidstone Borough Wide Local Plan (2000) and the guidance set out in the Council's Supplementary Planning Document Residential Extensions (2009).			
15/510348/FULL	Two storey side extension with single storey front extension (Resubmission of 15/506785/FULL)	Refused	17/02/2016
<i>Summarise Reasons</i> The proposed two storey side extension by virtue of its scale, mass and bulk would overwhelm the character of the existing property, unbalance the pair of semi-detached properties and have a detrimental impact upon the character of the area and the street scene. The development would therefore be contrary to policy H18 of the Maidstone Borough Wide Local Plan (2000) and the guidance set out in the Council's Supplementary Planning Document - Residential Extensions (2009).			

APP/U2235/D/16/3 148205	Two storey side extension with single storey front extension (Resubmission of 15/506786/FULL)	Dismissed	13/09/2016
<p><i>Summarise Reasons</i> It is notable that the appeal inspector considered the two storey extension element to be acceptable although the front extension proposed as part of the scheme was considered to be harmful to the street scene and thus contrary to the council's SPD and policies. Whilst he accepted he had found favour in respect of some of the aspects of the scheme, the front extension element was considered to be unacceptable and on this basis the appeal was dismissed.</p>			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01.1 The application site comprises a two-storey semi-detached property situated along Claremont Road. The site has a single garage to the side and amenity space to the front and rear. The dwelling is located within the defined urban area of Maidstone as designated on the Borough-Wide Local Plan (2000). The immediate vicinity comprises two-storey semi-detached properties of similar scale and design. The site is not located within an area of planning constraint or restrictions.
- 1.02 The property is constructed of yellow brick, with the roof clad in concrete tiles. The front elevation of the dwelling is partially clad in white horizontal weatherboarding. The dwelling benefits from a generous front garden which incorporates a driveway serving the garage and is set back from the highway by approximately 7metres.

### 2.0 PROPOSAL

- 2.01 The application is a resubmission of 15/506785FULL and 15/510348/FULL and seeks planning consent to erect two-storey side and rear extensions. The width of the side extension measures approximately 2.8metres at the front, 3metres at the rear and 9.5metres in depth across the eastern flank of the dwelling. It extends beyond the rear wall by 2.1metres. The front of the proposed extension is set back by approximately 1.2metres from the existing front elevation, with the ridge of the side extension stepped down by approximately 0.2metres from the ridge of the host dwelling. This two storey extension is the same as found to be acceptable by the appeal inspector in early 2016.
- 2.02 The previous front extension proposed under application reference number 15/510348/FULL and which was the element found to be unacceptable at appeal has been completed removed from this re-submitted scheme. This front element of previous proposal had the following dimensions -Width - 5.3metres, Depth – 1.8metres and Height – 3.1metres. The front elevation on this current application remains the same as the existing dwelling.



### 3.0 PLANNING CONSTRAINTS

- 3.01 It is noted that the proposal site is not located in an area of planning constraints or restrictions.

### 4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF): Paragraphs 49, 50, 56, 57, 60 and 61 of the government guidance in the National Planning Policy Framework.  
National Planning Practice Guidance (NPPG):  
Development Plan: Policy H18 Maidstone Borough Wide Local Plan  
Supplementary Planning Documents: Residential Extensions Supplementary Planning Document (May 2009)

## **5.0 LOCAL REPRESENTATIONS**

- 5.01 The owners/occupiers of dwellings adjoining the site were notified of this application by letter and a site notice displayed. Two representations received from neighbouring occupiers objecting to the proposal on the following summarised grounds;
-  Loss of light and outlook
  -  Harm to privacy

## **6.0 BACKGROUND PAPERS AND PLANS**

Site Location Plan  
Plans/Drawing Number CB 2798 01 Rev B – Existing and Proposed Elevations  
Plan/Drawing Number CB2798 02 Rev C Proposed Floor Plans  
Unnumbered Proposed Ground Floor Plan  
Unnumbered Existing First Floor Plan

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises The Maidstone Borough-Wide Local Plan (2000).
- 7.02 Policy H18 of the adopted local plan states that the Council will permit extensions to residential properties provided that the proposal:
- 1) Is of a scale and design which does not overwhelm or destroy the character of the original property; and
  - 2) Will complement the street scene and adjacent existing buildings and the character of the area; and
  - 3) Will respect the amenities of adjoining residents regarding privacy, daylight, sunlight and maintenance of a pleasant outlook; and
  - 4) Ensures that adequate car parking provision within the curtilage of the dwelling is provided in accordance with adopted car parking standards.
- 7.03 The Residential Extension SPD further states that with regard to scale and form, an extension should fit unobtrusively with the building and its setting and be compatible with the surrounding properties. An extension should not dominate the original building or the locality and should be subservient to the original dwelling. Regarding rear extensions, the Residential Extensions SPD states that in the case of semi-detached or terraced houses, rear extensions should not normally exceed 3m in depth from the rear of the property.
- 7.04 In considering the above requirements, it is my view that the key issues for determination in this submission are the impact of the design and scale of this proposal on the character and appearance of the surrounding area and the amenities of the surrounding occupiers. Being a resubmission of planning application

15/506785/FULL and 15/510348/FULL, the LPA needs to be satisfied that this current application by virtue of its scale, design and fenestration overcomes the previous reasons for refusal and that dismissed at appeal.

- 7.05 It should be noted that the two storey extension that is now subject of this current application has been assessed by the Planning Inspectorate in 2016 (in respect of the refused application, 15/510348) and was considered acceptable. In respect of the two storey extension, the Inspector stated;

*'The proposed two storey side extension would not harm this pleasant character of the area. The two storey side extension would be set sufficiently back from the front elevation and the ridgeline would be lower than the host property, so creating a subservient appearance, which corresponds with guidance set out in the Council's Residential Extensions Supplementary Planning Document 2009 (SPD). The existing fenestration of the house would be replicated in the extension through the design and placement of windows. There would be a gap retained to the boundary with No. 9.'*

The aspect which led to the dismissal of the scheme, the front extension, has been removed from the current scheme and thus the scheme before members is essentially an extension found to be acceptable by the Planning Inspectorate.

### **Visual Impact**

- 7.06 The two storey extension proposed would not harm the character of the area as it would be set sufficiently back from the front elevation of the dwelling by 1.2metres, a point recognised by the appeal inspector. The ridgeline is set slightly lower than the ridge of the host property ensuring that the extension appears subservient to the host dwelling, conforming with guidelines set out in the SPD for residential extensions. The gap retained to the common boundary with no.9 and the comparable fenestration detailing ensures that the extension maintains the pleasant character of the streetscene at Claremont Road. In his decision, the Inspector in the decision also noted the number of other properties in the area that had been extended and thus such development could be said to form part of the character of the area. Overall, it is not considered that the extension proposed would harm the character of the application property, the pair of semi-detached property at no.9 and the general vicinity.

### **Residential Amenity**

- 7.07 The extension incorporates two windows to the eastern flank facing onto no.9 Claremont Road and one large south facing window. Both windows are to be glazed in obscure glass and restricted by limiters from opening 1700mm and therefore not considered to raise any overriding issues in terms of overlooking. This glazing can be secured by the appropriate condition. The south facing window faces onto Claremont Road and does not raise any significant amenity concerns. Two large windows are incorporated at ground floor and first floors of the rear extension which would not be considered to raise any overriding amenity concerns.
- 7.08 The rear element of the extension projects by 2.1metres beyond the rear building line at ground and first-floor levels. This element has a pitched roof above the first floor which slopes away from the neighbours and a ridgeline notably lower than the ridge of the host dwelling. There would be a considerable distance between the rear extension and the adjoining property at no5 and to no.9 Claremont Road. Although, there would be a reduction in the gap between the appeal property and the neighbour

at no.9, the gap is not considered a key component of the character of the area, which is derived from the front building line, landscaping at the front of the properties and the set-back of the dwellings from the road.

- 7.09 The proposed extension would not breach the 45 degree light test, set out in the SPD which is a useful guideline in determining this type of applications. The limited rearward projection is within what is acceptable in the SPD and would not result in any loss of light to no. 5 and 9 or to their gardens. There would be no overriding overbearing impact on outlook from no.5 or 9 significant enough to warrant a refusal. These conclusions on adjoining residential amenity concur with the conclusions of the appeal inspector.

### **Other Matters**

- 7.10 The proposed development will result in the living space within this dwelling increasing in size from a 3 bedroom to a 5 bedroom house. It is considered that the creation of additional living space could have some impact on parking and vehicle movements to and from the site, however, it is unlikely any impacts arising would be so significant as to raise any overriding objection on grounds of congestion and associated highway safety issues. The development proposed by virtue of its siting within edge of town centre location, would have reasonable access to public transport and complies with the Council's policy objectives of encouraging the use of sustainable modes of travel. The development proposed is therefore considered acceptable on parking amenity.

There was one objection from a neighbour stating that his views of across Maidstone would be interrupted by the new extension but it is an accepted planning principle that there is no right to a view particularly in an urban area.

## **8.0 CONCLUSION**

- 8.01 Overall, the scale, design, use of materials and fenestration in the extension proposed is in keeping with the current appearance of the property and considered to overcome the previous reasons for refusal and that of the dismissed appeal. It is clear the current scheme has removed the one element that was considered to be unacceptable at the appeal and the current scheme is one which has been assessed and considered to be acceptable by the appeal inspector. Officers have assessed the application and consider the impact on the character, appearance and visual amenity of the locality generally to be acceptable. The proposed extensions do not result in any adverse impact on any neighbouring property. External surfacing materials are shown in the application to match those used on the existing dwelling. The proposals are not considered to raise any overriding parking or highway safety issues.

Having assessed this submission against the requirements of policy H18 and the SPD for residential extensions, I believe the proposed extension is acceptable in design terms and will assimilate well within the general streetscene of Claremont Road, particularly when considering that the extension would be subservient to the host dwelling. I have given due consideration to the potential impacts upon neighbouring householders and I am of the opinion that there would be no affects so detrimental as to consider a refusal. In the circumstances, I recommend that this application is approved subject to appropriate conditions.

**9.0 RECOMMENDATION – GRANT** Subject to the following conditions

CONDITIONS to include

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 hereby permitted shall be carried out in accordance with the following approved plans/drawings CB 2798 01 Rev B and CB2798 02 Rev C received on 10<sup>th</sup> November, 2016

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

3. The materials to be used in the construction of the external work to the building hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development

4. Before the development hereby permitted is first occupied, the windows on the eastern side elevation of the extension (as shown on CB2798 01 B) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such:

Reason: To safeguard the privacy of existing and prospective occupiers.

**INFORMATIVES**

**NOTE TO APPLICANT – APPROVAL:** In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering pre-application advice, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance, the application was acceptable as submitted and no further assistance was required. The application was approved without delay; and the application was considered by the planning committee where applicant/agent has the opportunity to speak to the committee and promote the application.

Case Officer: Francis Amekor

- NB** For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.