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**Report of 10 December 2008**

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**Wateringbury**                      **568413 153449**    **22 July 2008**                      **TM/08/02067/FL**  
Wateringbury

Proposal:                      Part two storey and first floor extension to rear and side of existing dwelling  
Location:                      31 Old Road Wateringbury Maidstone Kent ME18 5PL  
Applicant:                      Mrs Karen Hubble

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**1. Description:**

- 1.1 The proposal seeks approval to widen and add a first floor to an existing flat roofed rear/side extension that currently measures 6.2m by 3.8m. The proposal involves consolidating the ground floor lounge room and bathroom to enlarge the lounge, creating a third bedroom upstairs and relocating the bathroom upstairs. The application also proposes two dormers at the rear and one at the front. No windows are proposed on either side elevations of the extension but a new window to the flank of the original cottage is shown to serve a new landing area.
- 1.2 The proposals have been amended to reduce the ridge height by 0.3m and the eaves height by 0.9m. The plans have also been corrected to show accurate existing elevations and to include a certificate B due to the relationship with the common boundary with 33 Old Road.
- 1.3 The extension will have a width of 8.2m and a depth of 3.8m.

**2. Reason for reporting to Committee:**

- 2.1 This application was called to Committee by Cllr English.

**3. The Site:**

- 3.1 The subject site is located within the Wateringbury Conservation Area and within the confines of the Wateringbury Rural Settlement.
- 3.2 It comprises a semi detached cottage with an existing flat roofed side/rear extension built on the common boundary with no 33 Old Road on one side and 3.2m from a 2m high boundary wall of 29 Old Road on the other side.
- 3.3 The roof of the main cottage is slate. The front and most of the flank of the cottage is facing brick, primarily red with some grey headers, the rear of the cottage and most of the ground floor flank is cream painted brick.
- 3.4 To the east is a detached house at 29 Old Road which is orientated to Old Road so that its principal elevation is on the south-western side, facing the flank of the application dwelling. The elevation of No. 29 which will face the flank of the proposed extension has a porch entrance lobby, 2 sets of French doors to the

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living room and a window to a dining room. There are 3 first floor bedroom windows and 1 landing window.

3.5 To the west is the adjoining cottage of 33 Old Road. That has a rear conservatory currently under construction.

3.6 The site slopes down from north to south so the rear extension is already set above ground level by 0.4- 0.6m.

#### **4. Planning History:**

4.1 None.

#### **5. Consultees:**

5.1 PC: Originally, no objection was raised with respect to the proposal. However, subsequently, an objection was raised as follows:

- Unsympathetic to the Conservation Area and the scale of the building.
- 50% increase in floor area is inappropriate on a cottage in a Conservation Area which has already been significantly extended.
- It would ruin the street frontage of an attractive semi detached 19<sup>th</sup> century cottage.
- Aesthetically would not fit in with the character of Old Road
- Would have a negative impact on both adjoining properties, especially light to the house and garden of No. 29, ruining her enjoyment of her property.
- The footprint should not be enlarged.
- Members need to see the site to assess the impact on neighbours and the character of Old Road.

5.2 KCC (Highways): No objection: the increase in bedroom numbers from 2 to 3 does not result in an increased requirement for on-site parking.

5.3 Private Reps: 3/0X/1R/0S & CA Press + Site Notice : One objection has been received. Issues raised by the objector are:

- Doubling of size, already extended to an ample degree.
- Loss of amenity, the extension should be single storey not 2 storey
- Overshadowing and loss of light to the principal elevation which faces south-west.

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- Loss of privacy- the plans are incorrect with regard to first floor side windows.
  - Impact on Conservation Area of overdevelopment and imbalance.
  - No respect of vernacular quality in the design and materials.
  - Inadequate parking, this extension will encourage larger households, increasing pressure on inadequate off road parking in Old Road.
  - Death of vegetation, reducing already limited screening.
  - The application site is on higher ground than my own
  - My garden would become oppressively cavernous.
  - The trees on the boundary are deciduous except for one small yew tree, some trees need to be removed due to poor health. The yew tree roots are shallow and will be harmed by the new foundations.
  - Contrary to P4/12; CP24 and Kent Design.
  - The fractionally lower eaves will not have any discernible effect on the overshadowing of my home and garden.
  - The incongruous dormers bear no relation to the existing neat, plain Victorian artisan cottage.
  - Trees on my boundary are dead and need taking out so will limit the effect of screening after the coming winter.

## **6. Determining Issues:**

- 6.1 The proposal has been assessed against the requirements of saved Policy 4/12 and Policy Annex 4/12 of the Tonbridge and Malling Local Plan 1998, CP24 of the Tonbridge and Malling Core Strategy 2007 and Policy QL6 of the Kent and Medway Structure Plan 2006 as well as PPG15 relating to development in Conservation Areas.
- 6.2 The proposal through its design, siting, appearance and scale has been designed to respect the site and its surroundings in my view. The extension will remain set back from the front elevation of the host dwelling by 6.7m. It is lower in height than the main ridge of the host dwelling by 1.7m. The eaves are 0.9m lower. The revision to the extension to reduce the ridge and eaves height (and therefore bulk) has resulted in dormer windows which project though the eaves but I am of the opinion that the design is not detrimental to the character and appearance of the Conservation Area or the aesthetics of the locality in general. The proposal will therefore, in my view, satisfy the statutory requirement to preserve or enhance the character and appearance of the Conservation Area.

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- 6.3 In accordance with Policy Annex P4/12, the proposal will not cause overshadowing or loss of light to such an extent that it would have a deleterious impact upon the amenity of No. 29 situated to the north-east. That house will be approximately 9m from the extension. The side wall of the extension will be approx 2.6m higher than the common boundary wall of 2m height. It is the case that No. 29 has some private amenity space near to the part of the neighbouring property being extended. However, overall, No. 29 has a large private garden and I do not consider that overall outlook from the garden of No. 29 will be harmed.
- 6.4 The dining room window of No. 29 will be approx. 11m from the extension and the BRE tests state that a distance over 10-11m will not result in any daylight or sunlight impact. The lounge French windows of No. 29 will be 10m from the flank of the extension which will have a depth broadly parallel to the boundary of 3.8m and will have eaves which will project approx 2.6 m above the height of the boundary wall in situ. Its roof will slope away from No. 29 and hence will not impact on outlook or light. The BRE tests indicate that the sunlight and daylight to those lounge windows of No. 29 will not perceptibly change (daylight will marginally reduce from 40% to 39% and sunlight will marginally reduce from 67% to 65%).
- 6.5 None of the first floor windows to No. 29 would be affected by loss of sunlight or daylight due to the distance to the extension and the low eaves height of the extension.
- 6.6 The property to the west will not be affected by loss of light and overshadowing due to its own conservatory now being built and because of the lowering of the eaves of the proposed extension on the common boundary.
- 6.7 There are no windows located on the eastern or western façade of the proposed extension, so there will be no loss of privacy or issues of overlooking from the extension itself.
- 6.8 The works do include a new window to the flank wall of the existing house that will be 14m away but will face the side lounge French doors of No. 29. However, the insertion of a first floor side window is a permitted development right if the window is obscure glazed and openable at high level. The agent is aware of these restrictions and are annotated on the plans submitted. An informative is recommended.
- 6.9 Members will note that KHS advises that the requirement for on-site car parking is the same for two bedroom and three bedroom dwellings and hence it raises no objection.
- 6.10 In terms of the PC objection, there is no policy which dictates a level of “overdevelopment” for proposed extensions in the rural villages or Conservation Areas- each case is considered on its merits. In this case, I consider that the proposed works are of a size and scale consistent with the locality and do not

amount to overdevelopment of the site. The extension will add approx 8sqm to the footprint and 39 sqm in floor area (measured externally) which are both modest figures in my view.

- 6.11 In terms of other PC and neighbour objections, the existing layout of the property means that the ground floor bathroom is not convenient for the 2 first floor bedrooms, having to be accessed via the dining room, lounge and hallway and so an extension to give more up to date facilities is supported.
- 6.12 It is agreed that the original submission was not sufficiently aesthetically sensitive in its design but the revisions which have been achieved together with the imposition of appropriate conditions are now considered to make this aspect of the development acceptable.
- 6.13 The trees in the garden of No. 29 are separated from the proposed extension by the existing brick boundary wall. They have been assessed separately and some are already in poor health. It is not considered that the extension will harm trees important to the visual amenity of the Conservation Area.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** as detailed by: Letter dated 01.07.2008, Letter dated 22.07.2008, Location Plan dated 01.07.2008, Design and Access Statement dated 22.07.2008, Plan 08/01083/01 1 dated 21.11.2008, Certificate B dated 21.11.2008, Notice dated 21.11.2008, 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 pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

- 3 All eaves details shall match those of the existing building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 4 The bond and pointing of any brickwork shall match those of the existing building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in either of the first floor flank elevations of the extension without the prior written consent of the Local Planning Authority. (D013)

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

### **Informatives**

- 1 Under permitted development rights, the landing window on the north- east elevation of the existing cottage must be fitted with obscured glass and, apart from any top-hung light 1.7m above internal floor level shall be non-opening.

Contact: Marion Geary

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SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 10 December 2008

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**Wateringbury**                      **TM/08/02067/FL**  
**Wateringbury****Part two storey and first floor extension to rear and side of existing dwelling at 31 Old Road Wateringbury Maidstone Kent ME18 5PL for Mrs Karen Hubble**

PC: Additional objection as follows: The proposed development is inappropriate and would have a detrimental effect on the streetscape. Old Road is in a Conservation Area and the existing building is a semi detached period cottage. The proposed development would be increasing the area of the property by 50% which is excessive and a negative impact on the architecture of the area. The development would have an adverse effect on Red House Cottage which would lose a great deal of privacy and light which would cause great distress to the owner. Unfortunately no representative from the PC is able to attend tomorrow's meeting but we would be grateful if Councils objections would be considered.

Private Reps : A further letter of objection has been circulated to Members, reproduced below: I was surprised that such a poor application, even after amendments, should be recommended for approval. The concerns raised by the Parish Council and myself should carry far more weight in this Conservation Area context, the proposals could not possibly qualify as helping to "preserve or enhance the character and appearance of the Conservation Area". There is no evidence of a professional Conservation Officer having considered the application, which I would have expected in this location. The Officer's Report is cavalier in believing that the aesthetics of the locality would not be detrimentally affected:

- Design. The existing cottage would be transformed into something completely different with a suburban-style extension to an artisan cottage; it would have UPVC windows and doors, a hipped rather than gabled extension, and a lack of detailing in the brickwork over the windows. The dormers, though proposed as a means of reducing the impact on my home, are incongruous. Finding matching bricks would be a major challenge.
- Appearance. Seen from Old Road (main frontage), the extended house would appear imbalanced, both by damaging the attractiveness of the pair of semi-detached houses and by creating an extension much the same size as the original, all made worse by the jarring designs. This is how to lose the Victorian vernacular.
- Scale. Traditional cottages should not be treated like this but left alone. The Conservation Area would so obviously be damaged by allowing a characterful home to be overpowered by so large an extension. This is overdevelopment.

Irrespective of the comment by KCC Highways that no extra off-street car parking is "required" as a result of increasing the number of bedrooms to 3, extra cars will be generated: that is why the applicant showed two cars squeezed onto the site! Overall, the Officer's report sweeps aside the policy basis for deciding this application- Local Plan Policy P4/12, Core Strategy Policy CP24 and the Kent Design Guide 2005-

by blithely claiming that the proposals satisfy them. They do not. Some relevant key points are in my original letter of 19<sup>th</sup> August. The Officer's report is wrong about the impact on my daylight. Because the extension to 31 Old Road is on higher ground, the effective height of the side wall from my side will be correspondingly greater and the daylight less. A site visit would reveal this. I should not have to look at a long brick wall 2.6 metres plus roof higher than the existing boundary wall. In other respects the report misrepresents my concerns in an apparent attempt to find reasons for supporting the proposals:

- "No.29 has a large private garden and I do not consider that the overall outlook from the garden of No.29 will be harmed". Though correct, the main issue is the impact on my home and front garden. I did not say the outlook from the garden would be harmed; the problem is overshadowing of all my main ground floor living room windows, and the overbearing impact on my enclosed front garden which is my living room outlook.
- "None of the first floor windows to No.29 would be affected by loss of sunlight or daylight". This is surely wrong, even if the Council's criteria for refusing the application on that basis are not met in respect of the upper floor windows.
- "It is not considered that the extension will harm trees important to the visual amenity of the Conservation Area". This is true; the extension would, however, harm a mature yew tree which is important to my amenities (and provides a very limited screening function). The trees in poor health, incidentally, have already been removed; the report's implication that I was relying on the merits of dead and dying trees to provide screening is misleading.

Please read my original letter of 19<sup>th</sup> August, which sets out the issues in more detail.

I urge refusal of the amended application on the grounds set out above and in my letter. It is surely the purpose of a Conservation Area to protect local character and the purpose of the Council's planning policies to protect amenities. These matters should not be dismissed lightly.

DPTL: As outlined in the main report, it is not considered that the scheme amounts to overdevelopment or that the neighbouring property at no. 29 will lose privacy or light. I can confirm that the scheme has been looked at by the Council's Conservation consultant who raises no objections to the proposed design in principle. The use of uPVC for replacement windows in a Conservation Area does not in itself need consent as it is permitted development and so to object to that element of the scheme would not be possible. The cottages of 31 and 33 Old Road have both been extended to the side already and so are no longer symmetrical in any case. This extension will be set back from the main front elevation as outlined in the main report. In my view, the existing flat roofed side/rear extension to the application property in itself causes detriment to the Conservation Area and its replacement is supported. The height difference between the application site and the property of the objector has been factored into the daylight calculations. I remain of the view that the first floor windows of the objector's house will not suffer loss of light using the BRE standards because of the lowered eaves of the proposed extension and because the extension will be over 10m away.

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## **RECOMMENDATION UNCHANGED**

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