

**Ryarsh  
Downs**

**566951 159838 27 May 2011**

**TM/11/01420/FL**

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Proposal: Two storey front extension  
Location: Stoned Lodge The Street Ryarsh West Malling Kent ME19 5LL  
Applicant: Mr P Cheeseman

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**1. Description:**

- 1.1 The application is for a two storey front extension to the property. This extension will replace an existing gable-fronted projection within the front-facing roof slope and extend it at the front of the property to form a two storey extension. This extension will provide en-suite accommodation, an enlarged integral garage and porch. All material would match the existing property.
- 1.2 The front garden would be rearranged to provide two car parking spaces and together with the garage, this would provide a total of three car parking spaces for the dwelling.
- 1.3 This application has been revised since its original submission and the depth of the proposed extension has been reduced to enable a car to be parked in front of the garage without overhanging the highway. This revision was made following clarification of an error with the measurements on the proposed plans. The depth of the drive was approximately 1 metre less than shown on the submitted plans. It was also requested that the depth of the first floor element was reduced. Under this revised proposal, the first floor would project further forward than the ground floor, resulting in an "overhang" of the driveway by about 0.7m.
- 1.4 This application follows from a previous application for a two storey front extension, ref: TM/10/02085/FL, that was withdrawn by the applicants.

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

- 2.1 Due to Parish Council and local concern.

**3. The Site:**

- 3.1 The application site is situated on the southern side of The Street in Ryarsh. The site is also situated within the Conservation Area and Area of Outstanding Natural Beauty. The site is sited centrally within the village and the area in general has a rural character.
- 3.2 The property is a two storey detached property with a front and rear garden. It is rendered and painted white and has previously been extended to the rear. The property currently has 4 bedrooms and an integral garage. There are 2 car parking spaces in the front garden area.

3.3 There are other residential properties to all boundaries of the dwelling, of varying styles and ages. Adjacent and opposite the property, on The Street, are more traditional and historical buildings with the building to the eastern boundary being Grade II listed. 1 Rose Cottages adjoins the western boundary and has a ground floor flank elevation window facing towards the proposal.

**4. Planning History:**

TM/01/01673/FL      Grant With Conditions      24 September 2001

Internal alterations and extension

TM/70/11032/OLD      grant with conditions      24 June 1970

Outline application for two detached dwellings, garages and access.

TM/10/02085/FL      Application Withdrawn      11 October 2010

Two storey extension to front of property

**5. Consultees:**

5.1 PC: Ryarsh Parish Council has considered the above application for a 2 storey front extension and strongly object for the following reasons:

1. The application will reduce the amount of parking available. The village is already under intense pressure from lack of off road parking. The village was built up at a time when there were far fewer cars on the road. Many properties in the village do not have off road parking and the village becomes very congested. There is increased pressure on The Street due to the location of the Duke of Wellington public house. At present there is parking for 3 vehicles at the property - 3 in the driveway and 1 in the garage, as well as 1 off road parking space outside. This application will reduce the amount of parking to two spaces at the front.

2. The extension would create a 5 bedroom property. At present we understand that all parking spaces are fully utilised by the 2 occupants. The size of the property would indicate that in future, more occupants might live there, requiring more parking spaces and not less.

3. Stoned Lodge has already been extended once. This further extension would take it beyond acceptable limits and make it out of scale with the size of the original house, and totally out of scale and proportion with adjoining properties. The size of the extended property would be out of keeping with the area and the central village location. It would be too big for the plot, particularly bearing in mind how close it will be to the main road running through the village. Stoned Lodge

began as a 3 bedroom property. It has already been extended at the back and at the side, moving it closer to Rose Cottages. A further extension, of any size, would be a case of massive overdevelopment.

4. This property is in a conservation area and such an extension would be highly out of keeping for such an area. A conservation area should conserve and enhance, and this must prevent such an extension from being permitted. The application states that there have been "extensive negotiations" with the Conservation Officer, but the Parish Council do not believe that this application would be approved by a Conservation Officer. The house is out of character with the surrounding properties in a village location already. The original planning application for the property was opposed as was the application for the extension. To extend further simply makes the problem worse. The extension which has already been built was done with little regard for neighbours, and to extend further would be of huge detriment to the neighbours and to the village.

5. The extension would alter the character and look of The Street. When driving towards Stoned Lodge, past The Duke of Wellington, the view is of the side of Rose Cottages. The end elevation of Rose Cottages is decorative as the barge boarding is not plain. This gable end and the row of cottages are a feature of the village and of the conservation area which should be preserved. The extension would block part of this aspect and give an entirely different view along The Street. It would spoil the appearance of The Street and would have a detrimental effect on the village.

6. The Parish Council dispute that "the extension would compare well with surrounding and adjoining properties in the area". The property is already out of keeping in the area, being very modern in look, and an extension to make the property larger, bring it closer to the road and block the neighbouring cottages would make that problem worse. Rose Cottages would be completely overpowered if Stoned Lodge were extended.

7. To allow such an extension would set a precedent for future applications in a conservation area.

8. The application states that "careful consideration has been given to the light and privacy of the adjacent dwelling". The Parish Council does not believe this to be the case, and has heard that those neighbours who live at 1 Rose Cottages are vehemently opposed to the application. The neighbouring property was built with a separate kitchen and dining room. There is one small window to the kitchen, and a window at the side of the property in the dining room. The partition wall has been knocked through to create a kitchen/diner. If this application were successful, most of the light from the small side dining room window would be extinguished. The adjoining property would be considerably darker. That property

would never be able to convert back to a separate kitchen and dining room as there would be insufficient natural light from the single blocked window. This is not acceptable.

9. The adjoining property has beautiful views of The Street which would be completely ruined by the extension, which would give them a view mostly of brick wall and would obscure the view of The Street.

10. The application is not supported by local residents.

11. The neighbours of the adjoining property, 1 Rose Cottages, are extremely upset and distressed by this further application. If the application is successful it would cause much upset in the village and would destroy their quality of living.

12. On the opposite side of the road is Brionne. Planning Permission has already been granted (TM/08/03683) to build a detached house in the front garden of this property, which will adjoin The Street. When that house is built, it will narrow the look of The Street. If this application succeeds, it will bring this property even closer to The Street and will make the road even more narrow with large properties on either side of the road. It will alter the look and feel of The Street and of the village. When the new property is built on the grounds of Brionne it will bring further parking problems in this area, and this application would make those problems even worse.

The Parish Council unanimously object to this application.

Following Amendments: Very strong objection to this application. The Parish Council does not believe that the amended block plan dimensions in any way alleviates or removes the concerns expressed previously.

5.2 KCC (Highways): No objections to the proposal in respect of highway matters, subject to conditions in respect of preventing mud on the highway, parking spaces to be provided and maintained and surface materials should not be loose gravel. A highways crossover licence will also be required.

5.3 Private Representations: (10/0X/10R/0S) Site and Press Notice. Objections have been received on the following grounds:

- On street parking is already an issue
- This development will have an impact on highway safety
- Loss of light to an adjacent principal window serving the dining room and kitchen
- Loss of aspect to the adjacent window
- Overdevelopment of a constrained site
- The plans submitted are inaccurate

- The car parking proposed on site cannot be provided
- Inappropriate development within the conservation area
- Further enlargement of an already extended property
- Shortening of the driveway in an area where car parking is already difficult
- Loss of on-street parking spaces
- Increase in cars at the property and insufficient space for them to park.
- Blocking of access to the dwelling opposite
- Detrimental impact on character of conservation area
- This extension will make the existing property more prominent
- The property is already out of keeping in the conservation area
- Parked cars will project onto the highway
- The measurements stated in the design and access statement are incorrect, so the proposal will have a greater impact
- Detrimental impact on street scene and character of area and The Street

**6. Determining Issues:**

- 6.1 The main issues to consider in the determination of this application are the impact of the proposed development on the amenities of the adjoining residential property, principally in respect of the impact on the existing flank elevation window adjacent to the proposed extension; the impact on the character of the conservation area and street scene; the design of the extension; and the provision of car parking spaces to serve the dwelling.
- 6.2 This proposal follows a previous application for a larger two storey front extension submitted under planning reference TM/10/02085/FL. Following objections by the Parish Council and local residents the applicants withdrew the application. Since this application, various attempts have been made to design a scheme that overcame these objections. This application was submitted following discussions regarding the design of the extension.
- 6.3 Initially, there were a number of inaccuracies in the plans submitted for consideration, in particular with regard to the depth of the driveway from the front of the house to the edge of the highway. Following measurements by officers, it was clear there was a metre difference between the plans and the measurement

on site. This resulted in a smaller driveway depth than shown on the plans. The latest revision to the submitted plans has dealt with this error and shows the depth of the driveway which accords with that measured on site.

6.4 Members will be aware that the Draft National Planning Framework has recently been published and was currently subject to a period of consultation from 25 July 2011 - 17 October 2011. The draft status of the Framework tempers the weight that it can be afforded in the decision-making process at this stage. The relevant policies to be taken in account in determination of this application are therefore:

- **Local Plan** (TMBLP) Saved policy P4/12: Residential Extensions and their assessment
- **Core Strategy** (TMBCS) Policies CP1, CP13 and CP24: Sustainable Development, Rural Settlements and Achieving a High Quality of Environment
- **Managing Development and the Environment Development Plan Document** (MDE DPD) Policy SQ1: Landscape and Townscape Protection and Enhancement
- National guidance in PPS5: Planning and the Historic Environment is also relevant.

6.5 CP13 identifies that minor development within the confines of Ryarsh is acceptable in principle. The proposed development is within the confines of Ryarsh, surrounded by other residential properties; therefore in principle an extension to this property is acceptable.

6.6 CP1, CP24 and SQ1 all relate, in summary, to the need for development to be in keeping with the character of the locality, the existing building, acceptable in terms of design and without causing harm to residential or visual amenities. These policies will be discussed in more detail later in this report.

6.7 Saved policy P4/12 sets out that extensions to dwellings should not have an adverse impact on the character of the building or street scene or residential amenity of neighbouring properties in terms of light and privacy. This policy also identifies design criteria outlined in Policy Annex A. The annex identifies that in some cases the Council will need to test individual proposals against the BRE Daylight and Sunlight test.

6.8 The proposed two storey extension is sited adjacent to 1 Rose Cottages. This two storey dwelling has a ground floor flank elevation window facing towards the proposed extension. This window serves a dining room. Internally within 1 Rose Cottages this dining room has been knocked through into the kitchen to form one larger room. Consequently there is a small kitchen window at the rear of these two living areas. As a result there is debate as to whether the window affected by the proposed development is a principal or secondary window to this room.

However, on balance, it is considered that it needs to be assessed in the same way as a principal window, due to it being the only window to the dining room. This is in line with guidance in Annex A to P4/12 of the TMBLP.

- 6.9 A BRE daylight and sunlight test was therefore carried out to assess the impact the proposed extension would have on daylight and sunlight to this side elevation window. The test confirmed the occupants' concerns that there would be a noticeable reduction in daylight to this window and thereby to the room as a result of the proposed extension. However, it is worth highlighting that existing daylight to this window is already affected by the siting of the existing dwelling. In tandem with the loss of daylight, there is a corresponding loss of outlook from the window due to the bulk, height and proximity of the two storey front extension proposed at the application site.
- 6.10 Consequently, the proposed development is contrary to policy P4/12 of the TMBLP, as it will have a detrimental impact on the light and amenities of a neighbouring property. In addition, it would also be contrary to policies CP1 and CP24 of the TMBCS that also refer to the need to protect and preserve residential amenity.
- 6.11 The specific design of the extension needs also to be considered. Although in principle there is no objection to a front extension, the proportions of the first and ground floor elements of the extension are not ideal. Due to the need to retain frontage parking in terms of driveway depth, the revised plans submitted now propose an increased overhang at first floor level. Whilst I do not consider that is an issue to warrant refusal, Members may consider that the design is not acceptable when judged subjectively against policy P4/12 of the TMBLP and policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policies SQ1 of the MDE DPD.
- 6.12 In respect of the impact on the wider street scene and Conservation Area, based upon my view of the design as detailed above, I do not consider the proposal will have a detrimental effect on the character and appearance of the street scene and thereby the Conservation Area. The design of the extension is largely in keeping with the existing building which, although it is undeniably of a different era than the majority of its neighbours, does not in my opinion itself have a demonstrably harmful effect on the conservation area. Therefore, I am of the opinion that although the extension does not enhance the Conservation Area, it does have a neutral impact on its appearance and character. In my opinion, the proposed development therefore complies with guidance in PPS5: Planning and the Historic Environment and policy SQ1 of the MDE DPD and policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.
- 6.13 However, it is clear that local residents and Parish Councillors do not share my assessment of the impact on the street scene and Conservation Area. It is a matter of subjective judgement as to whether the effect of the extension is

detrimental to the character and appearance of the wider Conservation Area or street scene, as a result of its bulk and design. Consequently, Members may wish to consider whether there is material harm in respect of the impact on the character and appearance of the conservation area, street scene and design of the extension. Such design issues need to be judged in respect of PPS5, policies CP1 and CP24 of the TMBCS, policy SQ1 of the MDE DPD and saved policy P4/12 of the TMBLP.

- 6.14 In terms of car parking, there are currently three car parking spaces on site, two spaces in the front garden area and one in the integral garage. Following revisions to the proposed plans, three spaces will be retained but with the front garden area rearranged to improve manoeuvring. For this reason, KCC Highways has raised no objection to the proposed development in respect of car parking or highway matters. The issues raised in representations in respect of on-street car parking and the potential conflicts are not, in my opinion, significantly different from the current situation and a reason for refusal should not be raised. I consider, with the revised plans, that the matters of car parking provision and highway safety have been adequately addressed and are not contrary to policy in this regard.
- 6.15 In conclusion, the proposed development will result in a detrimental impact on the amenities and living conditions of 1 Rose Cottage, because of the exclusion of natural daylight to that dwelling and the loss of outlook.

## **7. Recommendation:**

### **7.1 Refuse Planning Permission** for the following:

#### **Reasons:**

1. The proposed extension results in a detrimental impact on residential amenities due to loss of outlook and restriction of natural daylight to the adjoining residential property contrary to Policies CP1 and CP24 of the Tonbridge and Malling Core Strategy 2007 and Saved Policy P4/12 and the associated Annex of the Tonbridge and Malling Borough Local Plan.

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