

**East Malling &  
Larkfield**  
East Malling

**570259 156956 6 July 2012**

**TM/12/02035/FL**

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Proposal: Two storey side extension, single storey rear addition, front and rear dormer structures, roof lights, front porch  
Location: 53 High Street East Malling West Malling Kent ME19 6AJ  
Applicant: Mr & Mrs R Richards

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**1. Description:**

1.1 This full application proposes a two storey side extension measuring 4m in width x 7.6m in depth; a single storey rear extension measuring a maximum of 3.3m in depth and 5.6m in width with an element of sloping roof on the section adjacent to the western boundary and a flat roof on the remainder of the addition; and a front porch/w.c. It is proposed to convert the existing and proposed roof space to habitable accommodation and the works are indicated as having front and rear pitched roof dormers and roof lights. Glazed doors leading to balconies (incorporating glazed screens on the north side) are shown on the eastern side elevation. The application has been amended since its original submission to delete a first floor balcony area to the rear.

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

2.1 At the request of Cllr Woodger due to the concerns of the local residents.

**3. The Site:**

3.1 Number 53 is a semi-detached house with half hipped roof situated within the rural settlement confines of East Malling. The house is set behind others in the High Street and is reached from an access road leading to a public car park, north of the railway line. Immediately to the north are the residential properties of a cul-de-sac known as The Grange, whilst to the east is an area of allotments.

**4. Planning History:**

TM/50/10202/OLD Grant With Conditions 21 December 1950

Pair of cottages for agricultural workers.

TM/00/01345/FL grant with conditions 10 August 2000

New single garage

**5. Consultees:**

- 5.1 PC: No objection and feel it will enhance the property.
- 5.2 KCC Highways: No objections in respect of highway matters. The property has space for parking in front of the garage and a public car park located nearby. The proposal will not be likely to lead to any highway safety issues.
- 5.3 Private Reps:9/0X/4R/0S +site notice: Representations have been received from four neighbours and comments made about the difference in levels between number 53 and the houses to the rear, and overlooking from the additional windows in the rear elevation. It is considered that windows should only be located in the front elevation. The extensions are considered to be excessively large, out of proportion and out of keeping with the character of the village and would set a precedent.
- 5.3.1 It is also considered that additional parking should be provided given the increase in size of the building. It is suggested that the property when extended could be sub-divided to provide two units and that a balcony could be constructed over the flat roofed section of the single storey rear addition. Reference has been made to the "right to light", although this legislation is separate from planning control.
- 5.4 East Malling Conservation Group: Object and consider the size of the extension is out of proportion and at odds with the character of the row of former agricultural workers cottages. The design is unsympathetic to the surrounding area and would have an overbearing nature. The amount of glazed areas will result in an unacceptable loss of privacy to properties at the rear. The flat roofed element of the single storey extension does not comply with the Village Design Statement. It is unclear how the requirement to accommodate additional parking is being dealt with in relation to the number of bedrooms.

**6. Determining Issues:**

- 6.1 Relevant policies include Core Strategy CP24 and paragraphs 17, 56, 57, 58, 61 of the National Planning Policy Framework. Saved policy annex P4/12 of the Local Plan is also relevant. These highlight the need to have regard to a high standard of design whilst maintaining residential amenity.
- 6.2 It is noted that reference has been made to the East Malling Village Design Statement. This document was drawn up by the East Malling Conservation Group and has been adopted by this Council as Supplementary Planning Guidance. The document outlines the historic features and character of the village. The document does not reject new housing but indicates that it should be well designed and embrace the village character.
- 6.3 The main issues are the size and scale of the extensions, the relationship with the existing property, any impact on the neighbouring properties, parking requirements

and the appearance of the pair of properties. The plans have been amended to show a smaller dormer in the rear elevation fitted with obscure glazing and larger balconies to the side elevation with glazed screening panels on the northern side. It is clear that the proposals represent a significant increase in the size of the property – that in itself is not a fault in a scheme within a village area. However, there is a noticeable change in the appearance of the semi-detached pair. Notwithstanding the above, it is considered that there is sufficient space to the side of number 53 to physically accommodate a two storey extension of the dimensions shown without resulting in overdevelopment or an unduly harmful loss of space. The two storey side extension seen *in isolation* and now with half hipped roof will relate satisfactorily to the existing house. At the rear the single storey extension has been pulled approximately 0.8m away from the side boundary with the attached property in order to ensure that a 45 degree line is not obstructed. Although there will be a change in outlook from the adjoining house, there should not be a significant reduction in the amount of sun or daylight reaching the neighbouring house. There are no objections to the size or siting of the single storey element of the proposal, when considered in isolation.

- 6.4 The front porch, although large, is of an acceptable design. The introduction of a front porch and hipped roof front dormer will alter the appearance of the front of number 53 but will not be unduly harmful such as to withhold consent. There are no objections to the porch or front dormer.
- 6.5 Despite the above observations and the amendments to the plans there remains concern about the *overall* impact of the proposed development on the amenities of the adjacent occupants and the *combined effect* of the additions on the appearance of number 53. Although the dormer is shown with obscure glazed windows, these are shown as opening windows and so the perception of being overlooked from a distance would not be totally removed by the amended scheme.
- 6.6 The amended plans also show larger balconies on the eastern side of the extension rather than Juliet-style balconies with guard rails. Whilst there are no objections to windows or doors with Juliet balconies facing towards the allotments to the east, there is concern about balconies where it would be possible to sit out and look towards neighbouring properties. The introduction of obscure glazed screen panels on the west side of the balconies may prevent direct overlooking but does not result in a satisfactory visual appearance.
- 6.7 In the light of the above concerns, it is concluded that the combined effect of the individual elements of this application would have an overbearing impact upon the residential amenities. Whilst there is sufficient space to be able to accommodate a two storey extension and single storey rear addition, it is concluded that the uncoordinated design with projecting balconies and unsightly glazed screens would be detrimental to the visual amenities of the area. Number 53 would be altered from a modestly sized dwelling of traditional proportions to a large house of mismatched roof shapes and styles, out of keeping with the character of the area.

The proposals are therefore found to be unacceptable in terms of Core Strategy policy CP24 and saved policy annex PA4/12.

- 6.8 The comments of the neighbours to the rear in The Grange have been given very careful consideration. It is noted that the houses in The Grange are set at a lower level. These houses are, however, approximately 30m away and such a distance will allow an acceptable level of privacy. In this case, in light of the separation distance involved, it would be difficult to argue that an unacceptable level of overlooking would occur.
- 6.9 The reference to the “ancient right to light” is noted but it should be highlighted that this does not fall under planning legislation – it is a matter that is subject to private legal provisions. Number 53 is set around 30m away from the properties in The Grange and so should not affect the amount of light reaching those houses in relation to the controls applied through the planning process.
- 6.10 The comments of the neighbours about the possible subdivision of the property to two units and the formation of a balcony over the flat roofed rear addition are noted. No indication has been given that this is the intention. In the event that planning permission is granted for the proposal, it would be necessary for a further application to be made to convert the premises and form a balcony, which would be assessed on its own merits.
- 6.11 The comments about parking provision are also noted. KCC Highways has confirmed that there are no objections from a highways point of view to parking provision. Provision meets the adopted parking standards.
- 6.12 As highlighted above the design of the proposed additions/alterations to number 53 would not have a co-ordinated appearance and, as a result, would have an overbearing impact upon existing residential amenity, contrary to adopted and saved policies. For this reason it is recommended that permission is refused.

## **7. Recommendation:**

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

1. The proposal would create an undesirable form of development which by reason of its design would have an overbearing impact upon the residential amenities of the occupants of the adjacent properties, contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy.
2. The proposed extension and alterations would have an unco-ordinated appearance contrary to the aims of saved policy annex P4/12 and policy CP24 of the Tonbridge and Malling Borough Council Core Strategy.

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