Report from 28 September 2016

West Malling West Malling And Leybourne	**23 May 2016**	**TM/16/01600/FL**

Proposal:	Two storey side extension
Location:	The Old Stable Building Old Parsonage Court West Malling Kent ME19 6NZ
Applicant:	Ms Taylor

1. Description

1.1 The application seeks planning permission for a two-storey extension to a detached one-bedroom residential property to provide space for a kitchen on the ground-floor and a second bedroom above.

1.2 The extension would be added to the northeast-facing elevation of the dwelling, to a width of 4m and depth of 4m. It would be set back from the northwest elevation by 500mm and from the southeast face by 2.5m. A dual-pitch roof is proposed, including a rooflight in each slope, within a parapetted gable end to match the design of the gables to the main roof. The walls would be finished in ragstone to match the existing finish and the roof in slate, also to match.

1.3 The walls facing northwest and northeast would be imperforate. The third wall facing southeast would feature, on one side, two similar windows, one on each floor, with a timber door/window feature on the other (inner) side.

1.4 The application includes an Arboricultural report, incorporating Arboricultural Impact Assessment, and a supplementary Arboricultural Method Statement prepared by a qualified arboricultural consultant.

1.5 The initial Arboricultural report provides the results of a Tree survey carried out in April 2016, including a Tree Location Plan to show the existing situation and the situation post-development, together with appendices setting out standard advice on: survey methods and terminology; calculation of root protection zones; and tree protection methods, including fencing, ground protection, and construction exclusion zones

1.6 The applicant's supplementary Arboricultural Method Statement sets out details of: the intended management of the construction process, including a pre-commencement meeting, supervision of specific stages, regular monitoring visits, and procedures for dealing with any unforeseen issues requiring arboricultural input or advice.

1.7 The agent has also submitted a shadow diagram designed to identify the potential additional shading of adjacent sites likely to arise as a result of the extension, and an amended shadow study in response to objectors' comments.

2. Reason for reporting to Committee

2.1 At the request of Councillor Luker on the basis that the proposal may amount to an overintensive development of the site, bearing in mind the proximity of neighbouring properties.

3. The Site

3.1 The site lies within the built confines of West Malling Rural Service Centre, and within the West Malling Conservation Area, off the south/west side of Water Lane. It lies within the envelope of The Old Parsonage Court sheltered housing complex, although it does not form part of the complex. The sheltered housing site is served by an access road running southwest from Water Lane from a point some 110m southeast of its junction with the High Street.

3.2 To the north is 'The Retreat', a recent development of two-storey dwellings, with rooms in the roof, on land to the rear of the former KCC office complex at 123-129 High Street, which itself has been converted to residential units. To the west is the residential property Church House, 137 High Street, a listed building standing in extensive grounds.

3.3 The sheltered housing complex comprises the original mid-19th century Old Parsonage building, which is now subdivided into three dwellings, together with a more recent group of units arranged around a landscaped area, lying to the south of the access road. A further terrace of three single-storey dwellings lies to the north of the access road, just inside the stone boundary wall.

3.4 The red-line site for this application encloses an 'L'-shaped area, on the north/west side of the access road, which wraps around the rear garden of Church House.

3.5 Within the site, The Old Stable Building stands directly adjacent to the northern boundary wall of Church House and also abuts the boundary wall of the most easterly dwelling in the recently-developed terrace of five two-storey dwellings addressed as 4-12 (even) Water Lane.

3.6 The building itself is a two-storey detached ragstone property which was converted to a dwelling in the later 1990s. It stands on a rectangular footprint of 7m by 4m, and features dual-pitch roof with twin gable-ends to an eaves level of 4.8m and ridge at 6.7m. The accommodation comprises a lounge and kitchen on the ground-floor, a bedroom and bathroom above, and ancillary space within the roof. There are no windows or openings in either the southwest-facing or northwest-facing walls, principal windows being in the elevation facing northeast. A timber porch/conservatory with a lean-to roof has been added to the southeast elevation.

3.7 The garden area is dominated by several mature trees which are protected by a TPO dating from 2001. Nearest the building, at a separation distance of around 4m, is a Sweet Chestnut which is approximately 15m high. Two protected Beech

trees stand in the corner of the site nearest Water Lane and there is a Yew about 10m south of the main building. The garden houses a timber shed and there is space for vehicle parking.

3.8 The site lies within an identified Area of Archaeological Potential.

4. Relevant Planning History

TM/84/10959/FUL grant with conditions 24 February 1984

Provision of 27 no. dwelling units comprising conversion of existing house into 3 no. sheltered housing units, erection of 23 no. sheltered housing units and erection of resident secretary's house; construction of ancillary parking areas and vehicular access to Water Lane West Malling

TM/84/10970/LBC grant with conditions 24 February 1984

Demolition of wall to form new access to Water Lane

TM/96/00786/LB Grant With Conditions 24 July 1996

Listed Building Application: conversion of old stables into residential accommodation

TM/96/00788/FL Grant With Conditions 24 July 1996

conversion of old stables into residential accommodation

TM/00/01783/LB Grant With Conditions 22 November 2000

Listed Building Application for conversion of building 'as built' as alternative scheme to that approved under ref: TM/96/00786/LB

TM/00/01785/FL Section 73A Approved 18 December 2000

Section 73A application seeking approval for conversion of building 'as built' as alternative scheme to that approved under ref: TM/96/00788 and including new timber side porch, wattle fence to boundary and shingle parking bay

TM/16/00878/TPOC Approved 17 May 2016

T1 Sweet Chestnut to reduce the crown by 2.5m in width and 3m in height, removing all deadwood and hangers. T2 Yew to remove deadwood, girdle Ivy at base of the tree and crown thin by 15%. T3 Beech to crown thin by 15%. T4 Beech to remove lateral limb at 8m above ground level, overall crown reduction in height of 4m and with of 3m, crown thin by 20%

5. Consultees

5.1 PC: initially objected as follows:

- The size of the planned extension is disproportionate to the size of the existing building.

- The size of the planned extension is disproportionate to the size of the plot on which the existing building sits.

- The size of the planned extension would have a very real impact on neighbouring properties as it is located in a very confined space. This is a very real concern expressed by a large number of local residents and we as a Parish Council support their view.

5.1.1 In response to the supplementary Arboricultural Method Statement and shadow study, the PC Vice-Chairman commented further (22 August) as follows:

- It is not appropriate to use the shadow study because it omits a number of trees, particularly a line of trees to the rear of houses numbered 8, 10, and 12. It also omits a high wall running the length of the rear of these properties. Can the study be updated?

- Secondly, the Council's planning application records indicate that the property is listed and this issue needs to be addressed so that the planning application can be considered in its entirety.

- Thirdly, the Arboricultural Statement appears to show works to trees that would require separate consent. Is this correct and if so, when will such applications be notified to the PC?

5.2 KCC Heritage Conservation Unit: No comments received.

5.3 Private Reps: 12/0X/11R/0S + site and press notice. The following issues and concerns are raised:

- The building is listed and the development would harm the building's historic character. An application for listed building consent should be submitted. Loss of historical form and character of the building. The proposal would not be in keeping with the conservation area and would detract from its character and the surrounding area. Poor relationship to adjacent properties: would not respect the adjacent building line. Loss of visual amenity to nearby residents, loss of valued view of trees, loss of already severely limited open space, encroachment on very limited skyscape;

- The site is too small to accommodate such a large extension, which would be totally out of proportion. The site would be overdeveloped as a result and cause too high a density within the plot;

- The development cannot be carried out without seriously harming the protected trees on the site. Danger of soil compaction. Trees would be badly affected by

varying degrees of moisture removal caused by changing ground conditions during construction. If the extension were built, there would inevitably be pressure from residents to carry out serious pruning, which would harm their character and contribution to the locality, or even to fell them. The extent of special measures considered necessary to protect the trees during construction strongly suggests the high degree of risk to them. There is anyway no guarantee that these measures will succeed in preserving the trees;

- The extension would add unacceptably to the existing serious shadowing of gardens of dwellings to the northwest (particularly the nearest), which are very limited in size and are already affected by the shadowing impact of the 3m high boundary wall of Church House at the end of their gardens as well as shading from mature trees close to the boundary, in addition to the impact of Old Stable Building as it currently stands. Sense of enclosure caused to near neighbours, feeling 'hemmed-in', oppressive and enclosing aspect. One neighbour has commissioned a shadow study which shows the extent of the existing problem and demonstrates how the extension would worsen the situation;

- Possible damage to adjacent buildings and boundary walls.

6. Determining Issues

6.1 The main issues are: the impact of the proposal on the appearance of the dwelling, and on the character of the area, with particular reference to the location within a conservation area; whether the proposal would result in the overdevelopment of the site; the impact on the amenities of neighbouring residential properties; and the potential impact on the protected trees close to the site of the extension.

6.2 Policies CP24 of the TMBCS and SQ1 of the MDEDPD require development to be well designed and through its scale, density, layout, siting, character and appearance to respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

6.3 Policy NE4 of the MDEDPD seeks to maintain and enhance the extent of tree cover, amongst other things.

6.4 NPPF Chapter 12 generally (Conserving and enhancing the historic environment).

6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, in the exercise of planning functions, that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.6 Saved Policy P4/12 of the TMBLP deals with residential extensions. Such extensions will be resisted if they would adversely impact either (i) the character of the building or the street scene, in terms of form, scale, design, materials and existing trees or (ii) the amenities of neighbouring properties, in terms of light, privacy and overlooking of garden areas.

6.7 The building stands within West Malling Conservation Area. Although it is not prominently visible from the busier local thoroughfares, it is clearly visible from the internal access road serving Old Parsonage Court and from within the curtilages of neighbouring residential properties.

6.8 The proposal would amount to a significant addition of floorspace and volume to a small building currently providing about 60m^2 of floorspace on the two main floors, although there is some additional usable space within the roof area. The extension would add some 32m^2 of floorspace over two floors, or about 50% of the current floorspace. This is not considered to be an unduly large or disproportionate addition. Although the extension would approach closely to the eastern site boundary, to within about 1m of it, a substantial undeveloped part of the site would remain as garden area, albeit dominated by the protected trees, so that the proposal would not amount to 'overdevelopment' of the plot.

6.9 The new roof would follow the format of the main roof, with the distinctive parapet treatment and corbelling to the sides, and with slate tiles to match those on the main roof. New areas of wall would be finished in ragstone to match the existing finish. The timber door with full-height window above, which are attractive features on the existing east wall, would be either relocated or reproduced in the new south-facing wall of the extension. The other two walls would be imperforate.

6.10 The application includes an arboricultural survey and an additional method statement which sets out a programme for managing the building works to minimise possible damage to the protected trees. This would involve crown-lifting the Sweet Chestnut and Yew to provide a minimum 5m ground clearance to allow movement of materials. Separate notification would be required for these works.

6.11 It is considered that, provided the development is carried out in accordance with the method statement, which may be secured by a planning condition, the development would not cause an unduly adverse impact on the health and continued development of the four protected trees on the site. In the longer term, there may be pressure from residents at the site to prune the trees, particularly the Sweet Chestnut which is closest to the dwelling. However, this is a robust species which typically responds vigorously to pruning and can reasonably be expected to continue in good health even if subject to periodic pruning. The Yew and the two Beech are further from the building and less likely to be affected either by the building works or future pressure for pruning.

6.12 Overall, the proposal would meet the requirements of part (i) of saved Policy P4/12. It would also satisfy Policies CP1, CP24, and SQ1 of the MDEDPD and

would satisfy the 'preserve or enhance requirement in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.13 Part (ii) of saved Policy P4/12 focuses on the amenity of neighbouring sites, with particular reference to light and privacy, and overlooking of garden areas. Policy Annex PA4/12 sets out detailed design criteria which must be met. The Annex draws attention to the potential for an extension to give rise to an overly oppressive or dominating impact and identifies three specific areas of concern: privacy, outlook and daylight, and sunlight.

6.14 In this case, there are no significant concerns as to privacy, as no first-floor windows or openings are proposed in the elevations facing north or east towards the nearest dwellings at numbers 12 and 28 Water Lane. A condition may reasonably be imposed to remove the permitted development right to form any further windows in these more sensitive elevations, or roof extensions. The new first-floor bedroom windows would face southeast towards front elevation windows in units 4-6 of the sheltered scheme, at a separation distance of about 25m. This exceeds the minimum 21m suggested in the Policy Annex.

6.15 In dealing with outlook and daylight, the Annex seeks to ensure that any rear extension, whether single-storey or two-storey, does not breach a 45° angle zone, taken from the middle of a neighbouring property's habitable room window nearest the boundary. The extension would meet this test.

6.16 The Policy Annex indicates that *Proposals for extensions should minimise loss of sunlight and overshadowing on the private garden area of adjoining dwellings ,,, The private area is normally considered as being an area 3 metres in depth from the rear main wall of a property.*

6.17 In this case, the only property likely to be affected is number 12 Water Lane to the northwest. As the residents have pointed out, their garden is already at certain times affected by shadowing from the Old Stable Building as it currently stands, as well as from the boundary wall of Church House and from substantial tree growth on adjoining sites. The proposed extension would give rise to some additional impact, but this would be limited to the area of the side garden and would be unlikely to encroach into the 'private area'. This impact of the extension in itself is therefore not considered to amount to a sustainable reason for refusal.

6.18 Consideration should also be given to the incremental impact of any additional shadowing arising from the extension, as to whether its cumulative effect, taken together with the existing level of shadowing being experienced, would justify refusal of permission. Currently, most of the shading of adjacent gardens in the terrace 4-12 derives from trees, particularly to the southwest, and this would not change if the current proposal were implemented. The proposed extension lies to the southeast and, given its fairly minimal impact, taken by itself, on an area of the garden which would not normally be subject to protection under para 17, it would

be unreasonable to refuse permission on the grounds of the additional shadowing resulting from the proposed development.

6.19 Annex PA4/12 also seeks to protect neighbours from an overly oppressive or dominating impact overall. In this case again, the neighbours most likely to be affected are those in the terrace 4-12 Water Lane and those living in the single-storey block 28-30. It is unlikely that the extension would have any significant impact on the outlook from windows of any habitable rooms, because of the relationships between the properties and/or the separation distances. In particular, it is unlikely that the extension would be visible from inside any rooms of the properties at numbers 4-12.

6.20 The extension would, however, be clearly visible from rear gardens of that terrace and would present an additional mass of masonry where currently a more open view is available towards the protected trees on the application site and beyond. The upper parts of the Sweet Chestnut would still be visible above the roof of the extension, the impact of which would be softened by the slope away from the eaves. It may also be noted that the presence and impact of The Old Stable Building is somewhat reduced because it stands about 1m lower level than the adjacent terrace, as a result of the slope in the land down towards the stream.

6.21 On balance, it is concluded that the extension would not give rise to an overly oppressive or dominating impact on the residents of any neighbouring dwelling.

6.22 A query has been raised as to whether the building is listed, either in its own right or as a curtilage building. The building is not separately listed but would at some time have been within the curtilage of Old Parsonage Court. However, at the time the latter was first listed, in November 1993, the Old Stable Building had already been severed from the curtilage of Old Parsonage Court as a result of the redevelopment of the site as a sheltered housing scheme, including the construction of the new access road from Water Lane, for which planning permission was granted under reference 84/10959/FUL dated 24 February 1984.

6.23 Nevertheless, it is appropriate to consider whether the development might affect any listed buildings or their settings (that duly being set out in Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990). The nearest such building is Old Parsonage Court itself, but the location of the proposed extension is about 30m from the nearest part of the building, and facing away from it, on the north side. The Old Stable Building now has its own clearly-defined, enclosed curtilage, clearly separated from the listed building by the access road, and the proposed extension would have no material impact on either the listed building or its setting.

6.24 Similarly, the extension would be unlikely to harm the setting of Church House to the west side because of the separation and the location of the extension on the other side of The Old Stable Building. It is unlikely that any other listed buildings would be affected.

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Method Statement ABORICULTURAL received 01.08.2016, Existing Plans and Elevations BDS-1449-01 received 23.05.2016, Proposed Plans and Elevations BDS-1449-02 received 23.05.2016, Location Plan BDS-1449-03 BLOCK PLANS received 23.05.2016, Other AMENDED DAYLIGHT STUDY Revision A, Tree Report received 27.06.2016, subject to the following conditions:

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 All materials used externally 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.

3 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

4 The development shall not be carried out except in accordance with the procedures and methods set out in the Arboricultural Method Statement prepared by GRS Arboricultural Consultant, issue date 31 July 2016.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the north-facing or east-facing elevations of the extension without the prior written consent of the Local Planning Authority.

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.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the extension without the prior written consent of the Local Planning Authority.

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

Contact: Leslie Sayers