

West Malling
West Malling And
Leybourne

4 December 2017

TM/17/03354/FL

Proposal: Single storey extension and roof alterations to porch
Location: The Old Stable Building Old Parsonage Court West Malling
Kent ME19 6NZ
Applicant: Mrs S Taylor
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1. Description:

- 1.1 Planning permission is sought for the construction of a single storey side extension to a detached one-bedroom residential property. Alterations are also proposed to replace the front porch which is to include a dual-pitch roof.
- 1.2 The extension would be added to the northeast-facing elevation of the dwelling, to a width of 4.5m and depth of 4.3m. A dual-pitch roof is proposed with an eaves height of 2.7m and a total height of 4.3m. The extension includes roof lights to the south-eastern slope. Since the original submission was made, amendments have been forthcoming which alter the pitch of the roof to include a barn hip. At the time of writing this report, re-consultation was in the process of being carried out in connection with the amendments submitted. Any representations received as a result of that process will be reported as a supplementary matter.
- 1.3 The walls would be finished in black weatherboarding and the roof in slate tiles.
- 1.4 The alterations to the porch seek to replace its footprint like for like proposing a dual-pitch roof with gable end. Eaves height is to remain the same at 2.3m with a total height to the ridge of 4m.
- 1.5 This submission follows the refusal of planning application TM/16/01600/FL which proposed a two storey extension to the north elevation of this dwelling which was refused for the following reason:

“The proposed extension by reasons of its bulk and siting will be overbearing to neighbouring property and thus detrimental to residential amenities. It is thereby contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.”
- 1.6 This current scheme seeks to overcome the previous refusal through reducing the height of the extension to be single storey with the latest amendment seeking to propose a barn hip in a view to reducing the bulk to the proposed dual-pitch roof.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Sophie Shrubsole in order for consideration to be given to the alterations proposed to an historic building and given the recent planning history connected to the site.

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 south-west from Water Lane from a point some 110m south-east 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 north-east. A timber porch/conservatory with a lean-to roof has been added to the south-east 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.

4. Planning History (relevant):

TM/16/01600/FL Refused 21 December 2016

Two storey extension to North East elevation

TM/17/00913/TPOC Split Decision 2 June 2017

(A) T1 Yew - fell to ground level

(B) T2 Sycamore - to remove two lateral limbs that grow towards the neighbours garden

5. Consultees:

5.1 PC: Supports application

5.2 KCC Heritage: The site the application lies in is within the historic core of West Malling and close to the scheduled monument of St Mary's Abbey. Remains associated with the early development at West Malling may be revealed and I recommend the following condition is placed on any forthcoming consent:

No development shall take place until the applicant, or their agent or successor in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

5.3 Private Reps: 20 + site + press notice/0X/10R/0S. Objections raised on the following grounds:

- Not a single storey extension. Is a three storey extension of similar bulk, size and siting as refused a year ago;
- The size and the bulk of the planned extension by virtue of its siting would have a very real impact on the residential amenities of the neighbouring properties. Policy P4/12 - extension can have adverse effects on neighbouring properties in terms of light, privacy of overlooking and overshadowing of the garden areas;

- The neighbouring properties have narrow courtyard gardens with a high wall and trees at the back of them. In line with policy CP24 all developments must be well designed and must through their scale, density, layout and appearance be designed to respect the site and its surroundings;
- Overlooking / Overbearing from roof lights. Obscure glazing offers no assurances if opening. *[now omitted]*;
- Noise pollution from works would have severe implications on the surrounding gardens;
- Close proximity, size and particularly height would create claustrophobic effect and cause significant amount of visual intrusion;
- Loss of light. Extension fails 45 degrees day light and sunlight test;
- Impact on Sweet Chestnut Tree. Tree report out of date.

6. Determining Issues:

Principle of development:

- 6.1 The site lies within the settlement confines of West Malling meaning that development is acceptable in the broadest of policy terms.
- 6.2 The extension would increase the size of the dwelling by approximately 19.5m² which, although the host dwelling is not of a substantial size in its own right, is not a significant addition. Equally, although the side extension would be sited in close proximity to the eastern site boundary and take up a relatively large proportion of the northern section of the residential curtilage, I do not consider it would represent overdevelopment of the site.

Visual amenity:

- 6.3 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.
- 6.4 More specifically, saved Policy P4/12 of the TMBLP states that residential extensions should not adversely impact the character of the building or the street scene, in terms of form, scale, design, materials and existing trees.
- 6.5 The application site lies within West Malling Conservation Area. Although it is not prominently visible from the busier local roads, it is clearly visible from the internal

access road serving Old Parsonage Court and from within the curtilages of neighbouring residential properties. 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 The side extension proposes a dual pitch roof with slate tiles to match the host dwelling. The scheme has recently been amended to incorporate a barn hip, reflecting features incorporated within the surrounding buildings. The walls are proposed to be constructed from a ragstone plinth with black painted weatherboard. Triple timber patio doors are proposed to the southern elevation with a single door to the northern wall. Two no. roof lights are proposed to the south roof slope. The porch is proposed to be constructed from ragstone dwarf walls with a slate tiles roof.
- 6.7 I consider that the detailed design of the extension combined with the proposed materials to be used in its construction would suitably reflect the features of the host dwelling and would not cause any harm to its appearance or the amenities of the locality more generally. Equally, the proposal would suitably preserve the appearance of the Conservation Area.

Residential amenity:

- 6.8 Saved Policy P4/12 also requires that residential extensions are designed in such a way to ensure residential amenities of neighbouring properties are suitably protected, setting 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.
- 6.9 Members will recall that planning permission was previously refused for an extension to this dwelling on grounds of overbearing impact (as set out in full at Section 1 of this report). It is therefore necessary to now establish whether the revised scheme proposed satisfactorily overcomes that previous ground for refusal.
- 6.10 The Annexe accompanying policy P4/12 seeks to protect neighbours from an overly oppressive or dominating impact arising from development. When considering this potential impact on the occupants of 12 Water Lane, I am mindful that the ground level differences between the two properties would mean that only the roof slope would be visible to the neighbour above the boundary wall. Whilst the proposed distance of the extension from the shared boundary and the difference in land levels between the two would mean that this part of the extension would plainly be seen, this does not automatically render it harmful in amenity terms and, in my judgement, this relationship would not give rise to an overbearing impact. This revised scheme is single storey with a dual-pitch roof and

would significantly reduce the overbearing nature compared to the two storey extension previously proposed. This reduction in height and bulk would, in my judgement, suitably address the detrimental impact on residential amenities identified in the previous reason for refusal.

- 6.11 Turning to other matters related to residential amenity, in this case the proposal is single storey and proposes a single north facing door. This door will only look directly on to the retaining wall on the common boundary with 12 Water Lane and will not affect privacy as a result. Amendments to the scheme have resulted in the removal of roof lights originally proposed which removes any potential overlooking impact as a result.
- 6.12 In respect of outlook and daylight, the Policy Annex seeks to ensure that any rear extensions to adjoining dwellings do not have an adverse impact on outlook and daylight by setting out that they should not breach a 45° angle zone, taken from the middle of a neighbouring property's habitable room window nearest the boundary. However, this test actually only applies to testing the impact of adjoining properties and therefore does not apply in this case.
- 6.13 The conservatory to the neighbouring property could be affected by loss of light due to the presence of south facing windows and the close relationship that exists between the two sites. The conservatory has west and east facing windows with southern return windows in addition to a lantern roof light. BRE guidance relating to light impacts sets out that if the proposed form would not intersect an angle of more than 25 degrees measured from the middle point of the lowest window then the development is unlikely to have a substantial effect on the diffused skylight of the existing building. Due to the higher ground level of the neighbouring dwelling and the dual pitch roof form, the ridge of the extension would just intersect the mid-point of the window at an angle of 25 degrees when applying this test. However, this should be taken as a starting point in any assessment and in these particular circumstances I do not consider that the arrangement would cause any overt harm in terms of loss of light, given the presence of other windows which would not be affected.
- 6.14 The Policy Annex also 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.*
- 6.15 The property with potential to be affected in this respect is 12 Water Lane to the north-west of the application site. The representations received have set out that the rear gardens of properties within Water Lane are already affected by shadowing from the Old Stable Building at certain times of the day as well as from the boundary wall of Church House and from substantial tree growth on adjoining sites. Since the previous refusal of planning permission for an extension at this site, an orangery has been constructed to the side elevation of 12 Water Lane,

changing the relationship between the two properties. The ground level of the application site is lower than that of the adjacent neighbour. Given the southerly orientation of the proposed extension, it is likely to give rise to some additional impact in terms of shadowing but this would be limited to the area occupied by the conservatory and would be unlikely to encroach into the 'private area' beyond the rear wall of the dwelling.

- 6.16 Currently, most of the shading of adjacent gardens in the terrace of dwellings derives from trees, particularly to the south-west, which would not be changed by the implementation of the current proposal.

Trees:

- 6.17 In addition to the above, concern has been raised about the impact the proposed development may have on the existing mature trees on site. This particularly relates to the Sweet Chestnut to the south-east of the dwelling. Reference has been made to the latest updated guidance from Natural England on ancient woodland and veteran trees. As part of this updated guidance it amends its recommendation to suggest a buffer zone at least 15 times larger than the diameter of the tree or 5m from the edge of the canopy, if that's greater for veteran trees.
- 6.18 As part of the previous application a tree report and arboricultural method statement was provided which were issued on 07 June 2016 and 31 July 2016 respectively. This report set out that the proposed extension, on a similar footprint to that currently proposed, would result in an incursion of 2.44% into the root protection area of the Sweet Chestnut. As a result, it recommended a number of measures set out within the method statement to avoid damage to the tree.
- 6.19 Although I note that some time has passed since the previous report was issued and no updated report has been submitted in connection with the current planning application, in all likelihood the circumstances have not changed in such a way that would warrant any different conclusion to be drawn from those set out in the previous report. I am currently seeking further technical advice on this matter from the Council's Landscape Officer and any further advice will be reported as a supplementary matter. With this in mind, I would suggest that a condition be imposed requiring the submission of a method statement for approval prior to the commencement of any development on site along with a more general condition concerning tree protection during construction.

Conclusions:

- 6.20 In light of the above assessment, I consider that, on balance, the proposed development would be acceptable in all respects and meet the requirements of the various relevant adopted development plan policies and has satisfactorily overcome the previous ground for refusing planning permission. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Proposed Plans and Elevations BDS-1449-02 B dated 19.03.2018, Location Plan BDS-1449-03 B dated 19.03.2018, Existing Plans and Elevations BDS-1449-01 dated 04.12.2017 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 a construction methodology designed to avoid damage to trees, including their root systems during construction of the extension. The methodology shall be

submitted to and approved in writing by the local planning authority before digging of any foundations in connection with the extension hereby approved.

Reason: In the interests of visual amenity.

5. No development shall take place until the applicant, or their agent or successor in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Contact: Paul Batchelor