



Validation Team
Planning Department
Maidstone Borough Council
Maidstone House
King street
Maidstone
ME15 6JQ

25 August 2023

Dear Planning Validation Team,

SITE: LESTED, LESTED LANE, CHART SUTTON, MAIDSTONE, ME17 3RZ

PROPOSAL: DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF REAR EXTENSION AND DORMER

Kent Planning Consultancy Ltd in collaboration with Kent Design Studio Ltd ('the agent') have prepared a Planning Covering Letter which presents the proposed development, in respect of a proposal for householder works to demolish the existing outbuildings and construct a two storey rear extension and dormer extension to the dwelling known as 'Lested, Lested Lane, Chart Sutton, Maidstone, ME17 3RZ' (hereafter referred to as 'the Site') and a case for supporting the development.

To endorse the submission, this letter sets out the planning policy standpoint, background and context and the proposal to present a robust case for supporting the development.

The Proposal

The proposal would relate to a two storey extension to the rear (eastern) elevation of the property. The extension would be in keeping with the existing property, utilising the same materials and building form. A rear dormer is also proposed on this elevation. This would result in the number of bedrooms being increased from three to four.

The two outbuildings to the rear of the property would be demolished and the existing ground floor extension effectively replaced. Therefore, the proposal would only result in an increase in GEA floorspace of 12.1 metres (6.6% over existing), which is not considered to be a significant increase in overall built form.

A series of drawings are enclosed which support this application submission, prepared by Kent Design Studio Ltd.

Site and Context

Immediate

The application Site comprises a semi-detached three storey dwelling (known as Lested). The property is rectangular in plan form and benefits from a series of later household additions and works including an extension to the rear of the property approve under 07/0246. The property benefits from a sizable rear garden

The building is NOT listed and does NOT lie within a Conservation Area.

Surrounding

The site is located within the village of Chart Sutton and falls outside of any defined urban area and is therefore within the countryside for development management purposes.

The site is also within an area designated as a Landscape of Local Value.

There are no Tree Preservation Orders affecting the site.

There is a mix and range in the type, size and style of properties along the eastern side of Lested Lane, where the property relates.

Site History and Background

The relevant history is set out below:

Direct Planning History

The direct planning history available for the site on the portal is set out below (which confirms the planning background of the site and dwelling).

07/0246 - Erection of a rear single storey lean to extension and installation of a dormer to rear – Approved 28 March 2007

18/500952/FULL - Conversion of outbuilding with an erection of a single storey rear extension to create an annexe – Approved 28 June 2018

19/502541/FULL - Change of use of land to additional residential garden and erection of a detached garage with storeroom above – Refused 8 August 2019

20/501066/FULL - Change of use of land to residential use and erection of 1no. garage – Approved 7 May 2020

Pre-application advice

Pre-application advice received under reference 21/506695/PAMEET. The advice was supportive in the principle of the extension however raised some concerns over the scale and the degree which the scheme could be considered subservient and

sympathetic to the host dwelling. The design has since been amended and this is discussed and responded to in the below sections.

Planning Policy

The relevant planning policy is set out below, which informs the decision-making of the scheme.

National

NPPF (July 2021)

Chapter 2 - Presumption in favour of sustainable development (not necessarily combined)

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the built environment

Local

Maidstone Borough Local Plan 2017

SP17 – Countryside

DM1 – Principles of Good design

DM30 – Design Principles in the Countryside

DM32 – Rebuilding and Extending Dwellings in the Countryside

Of particular note is the following policy:

Policy DM32 – Rebuilding and Extending Dwellings in the Countryside

Proposals to extend dwellings in the countryside which meet the following criteria will be permitted:

The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling;

The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside;

The proposal would not create a separate dwelling or one of a scale or type of accommodation that is capable of being used as a separate dwelling; and

Proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.

Principle of Development

Proposals for the extensions or additions to dwellings in the countryside will be permitted, in accordance with Policy DM32. Subject to meeting the criteria set out above, the principle of development can be considered acceptable. Within the pre-application advice received, the officer confirmed that the principle of extending the property was likely to be acceptable.

Design Approach

Particular regard has been made to Policy DM32, to inform the preparation of this householder scheme, which recognises the need to deliver a sympathetic and appropriate form of extension development to dwelling house.

Within the pre-application advice received to the scheme, the officer stated that whilst the principle was acceptable, they had concerns over the scale of the extensions and that they would not meet the criteria of being subservient to the original dwelling and would alter the original house to an unacceptable degree.

Since receipt of this advice, the design has been amended to substantially reduce the depth and bulk of the proposed extension.

The scheme would now effectively replace an existing extension, so the additional built form is largely restricted to the first floor and the rear dormer which is not considered significant. The design, proposed materials and shape are very much sympathetic to the host property in terms of scale and character.

Further, it is highlighted that a significant extension could be achieved by virtue of the General Permitted Development Order 2015. The extent to which this could be achieved is demonstrated in drawing number 2409 – 12C.

As there is a realistic prospect of this permitted development provision being utilised, this represents a fallback position which is a material consideration in the determination of the application. As set out in case law¹, in determining a planning application it is important to consider what the alternatives may be for the site using permitted development rights and what impact such a scheme would have in planning terms.

The loft dormer extension, which generated a significant degree of concern, has been significantly scaled back. Furthermore, it is noted that this could be of a larger scale under the provisions of the GPDO, as could the ground floor extension. Therefore, this would be more impactful in material planning terms than the scheme as proposed.

Based on this, there is a clear rationale for the scheme as it is designed. This offers a more comprehensive and coherent outcome for the development, which would afford the local planning authority more planning control over the development in terms of materials, fenestrations and permitted development rights going forward.

Further to this, the scheme proposes the removal of two of the outbuildings in the rear garden, this neutralises an extent of the proposed built form and helps to retain the open character of the countryside.

In light of the above, the proposed extension would represent a sympathetic and appropriate form of householder development, complying with Policies DM1, DM30 and DM32.

¹ Mansell vs. Tonbridge and Malling Borough Council [2017] EWCA Civ 1314 available at <https://vlex.co.uk/vid/michael-mansell-v-tonbridge-839653035>

Residential Amenity

Policy DM1 seeks to ensure there would be no significant adverse impact on residential amenity of existing occupiers.

There would be no window to window overlooking as a result of the scheme, and views into the neighbouring garden from the rear elevation would be no different than the existing situation.

Further to this, the window on the first-floor elevation of the adjoining property relates to a bathroom. As this does not constitute a habitable room, there should be no concerns raised with regards to overshadowing or outlook.

No objections should be raised in regard to either overbearing (through. Loss of light or overshadowing) or overlooking (loss of privacy) development.

Conclusion

Given the above, we consider the application proposal for the householder development proposed, would be acceptable in planning terms, and based on the above planning case presented, we would ask that planning permission is granted.

The scheme would ensure, the future viability of this dwelling and that it remains fit for purposes for family living. The proposed extension has been well designed, taking into account the feedback from the pre-application advice. The proposed materials and built form and would result in a sensitive and sympathetic form of development.

Further to this, the scheme represents a more favourable option in material planning terms and would result in less impact than an alternative scheme which could come forward under the provisions of the GPDO.

We therefore respectfully request that planning permission be granted.

Yours sincerely

Thijs Bax

Thijs Bax MRTPI
Planning Director
Chartered Town Planner
Kent Planning Consultancy Ltd