

**Tonbridge**                      **561223 148176**    **13 October 2011**            **TM/11/02838/FL**  
Higham

Proposal:                      Demolition of existing 4 bed house and erection of a new block of flats containing 6 x 2 bed flats plus parking for 6 vehicles  
Location:                      187 Hadlow Road Tonbridge Kent TN10 4LP  
Applicant:                      Orme Homes Ltd

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**1. Description:**

- 1.1 Planning permission is sought for the demolition of 187 Hadlow Road and its replacement with a new, two ½ storey building comprising six no. two bedroom flats. The top floor is contained within the roof space of the building.
- 1.2 The building is proposed to be constructed from face brickwork and horizontal weatherboarding, with the roof constructed from plain clay tiles. It is proposed with an overall height of 10m, with a barn hipped roof. Dormer windows are proposed to be set into the eaves of the building.
- 1.3 Each flat is proposed to be served by one parking space. The car park to serve the development is proposed to be located within the existing rear garden. A communal garden is proposed to be sited between the car park and the boundary with 189 Hadlow Road.
- 1.4 Vehicular access to the development is proposed to be via the existing access drive located to the south of the building.
- 1.5 This application follows the refusal of planning application TM/10/01658/FL, which also proposed the redevelopment of the site for six flats, with 12 parking spaces. This application was refused for the following reasons:
  - *The proposed development, by virtue of its siting, overall size, bulk, massing and the specific relationship with 189 Hadlow Road, would result in an unacceptable overbearing impact on that property, to the detriment of the residential amenities currently enjoyed by its occupants. The proposal is therefore contrary to policy CP24 of the Tonbridge and Malling Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.*
  - *The proposed car park, by virtue of its location and specific layout within the site, would have an unacceptable impact on the residential amenities of the properties surrounding and bordering the site by virtue of the disturbance arising from additional traffic movements, manoeuvring and associated residential activities in an otherwise tranquil area and is therefore contrary to*

*the provisions of Policy CP24 of the Tonbridge and Malling Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.*

- *In the absence of an acoustic appraisal, the Local Planning Authority considers that the proposed residential units, by virtue of the buildings close proximity to the A26 and their individual internal layouts, would be likely to be exposed to noise levels within Noise Exposure Category C as defined within Annex 6 of the Managing Development and the Environment DPD 2010 which would not be acceptable for residential development.*

1.6 It is therefore necessary to assess whether each of the previous reasons for refusal have been successfully overcome, whilst ensuring that no new issues arise as a result.

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

2.1 Called in by Cllr Edmonston-Low as a result of significant local interest.

## **3. The Site:**

3.1 The site lies within the built confines of Tonbridge, within a residential area. The existing dwelling is a relatively large detached dwellinghouse, served by an area of off-street parking within its front curtilage. An access drive runs to the south of the building, serving three dwellings which are located to the rear.

3.2 A number of well-established trees are located within the site, particularly along the access road, which are specifically protected.

3.3 The opposite side of Hadlow Road is designated as Metropolitan Green Belt.

## **4. Planning History:**

TM/72/10140/OLD 24 February 1972

Extension for bedroom and living room.

TM/77/10029/FUL grant with conditions 25 November 1977

Erection of single storey rear extension.

TM/83/11320/FUL grant with conditions 20 April 1983

Construction of canopy to cover paved area at rear.

TM/95/51528/FL      Grant With Conditions      9 February 1996

first floor rear extension

TM/08/00410/FL      Application Withdrawn      7 July 2008

Alterations and extensions to existing house to form 5 no. two bed flats

TM/10/01658/FL      Refuse      22 October 2010

Demolition of existing 4 bed house and erection of new block of flats containing six no. two bed units plus associated parking spaces and external works

## 5. Consultees:

5.1 KCC (Highways): no objection to the proposal. The level of car parking proposed is within the County's parking standards. Visibility characteristics for leaving the site are acceptable. As previously mentioned the highway authority will need to be re-consulted regarding construction details and safe methods of working to reinstate the existing vehicular crossover to 187 Hadlow Road.

5.2 DHH: *Environmental Protection*: The submitted report indicates that the site falls within NEC C for both day and night meaning that on these grounds I would recommend refusal. However, there are mitigation measures proposed which would, on paper, secure internal noise levels so noise can be addressed.

### *Contaminated Land:*

5.2.1 Recommends standard land contamination condition be imposed on any permission granted.

5.3 Private Reps & Article 13: 19/0X/20R/0S. Objections centre on the following grounds:

- Dangerous access is unsuitable for further traffic;
- Horse Chestnut tree has already died due to previous building work undertaken;
- Noise and disruption during construction  
*[DPTL – this is not a material planning consideration]*
- Flats are out of keeping with the area;
- Increased noise and activity from the increased number of properties;

- Site is not big enough to accommodate 6 flats;
- Design is out of keeping;
- Negative aesthetic arising from the additional wheelie bins;
- Restrictive covenants in Deeds  
*[DPTL – this is not a material planning consideration]*
- Demolition of existing building would be a loss locally;
- Mass of building would dwarf others in the street and is out of proportion;
- Unsympathetic bulk which would be dominant and oppressive;
- Previous reasons for refusal have not been overcome;
- Little hope that landscaping scheme would actually be implemented;
- Loss of privacy;
- Bats have been seen;
- This is garden grabbing, not regeneration.

## **6. Determining Issues:**

- 6.1 The principle of development and the need to maximise appropriate housing opportunities in urban areas is covered by Planning Policy Statement 3: Housing (PPS3). This states that best use should be made of opportunities within existing urban areas to meet housing need. Policy CP1 of the Tonbridge and Malling Core Strategy (2007) (TMBCS) states that development should be concentrated at the highest density compatible with the local built and natural environment, mainly on previously developed land and served by sustainable modes of transport. Policy CP11 of the TMBCS states that development should be concentrated in urban areas where there is greatest potential for the re-use of previously developed land. Development in urban areas can also minimise the need to travel by being located close to existing services, jobs and public transport.
- 6.2 It is also necessary to have regard to the Government's recent policy announcement with regard to the encouragement of economic growth. The Written Ministerial Statement: Planning for Growth, issued by the Minister of State for Decentralisation on 23 March 2011. This stresses the need to encourage economic growth and to facilitate housing development. The Government has also published the draft of the National Planning Policy Framework (NPPF) (July 2011). This is intended to bring together Planning Policy Statements, Planning Guidance Notes and some Circulars into a consolidated document. Although in draft form only, this document still forms a material planning consideration, albeit of limited

weight. It contains a number of references to the presumption in favour of sustainable development and the need to support economic growth through the planning system, previously trailed in the Ministerial Statement.

6.3 With the above policies in mind and given the location of the site, I consider that the general principle of this development is broadly acceptable.

6.4 Whilst there is a clear focus on the need to encourage economic growth through the increased provision of housing, it must equally be recognised that this must not happen irrespective of the prevailing local policy framework. In this respect, TMBCS policy CP24 sets out the general criteria for all new development, including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
- the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views

6.5 Hadlow Road is generally characterised by two storey detached and semi-detached properties in a loose linear formation but this is notably interspersed by larger, taller more recent developments, at generally higher densities in place of the more traditional housing as a result of the then prevailing density policies. A high proportion of the properties have been altered and/or extended to meet the tastes and needs of individual owners; a variety of extensions, roof additions and dormer windows along with an assorted palette of materials are readily apparent when travelling along Hadlow Road. With this in mind, I am satisfied that the siting, form and detailed design of the proposed building would not appear out of keeping with the prevailing character of the area.

6.6 The documentation submitted in support of the planning application puts forward that this latest scheme has been designed in a way to overcome the first reason for refusal, related to overbearing impact, because it would be stepped back along the length of its rear elevation in order to maintain a 45-degree line from the closest habitable window on the adjoining neighbour. It also highlights that a rear dormer window at the corner of the proposed building has now been omitted. The applicant states that as a result of these changes there would be an acceptable degree of outlook from the nearest neighbouring property and that the tapered building line would also break up the scale and mass to the rear.

6.7 I would like to stress at this point that the previous planning application was not found unacceptable on grounds of loss of light or even more general overshadowing effects to the nearest neighbour. Instead; it was the more general

overbearing impact on that neighbouring property arising from the siting, overall size, bulk, massing and the specific relationship with 189 Hadlow Road. As such, compliance with the 45-degree rule is far too simplistic a test on which to judge the scheme and in reality the proposed building would appear extremely dominant when viewed from the neighbouring property. I consider that this, especially when considering the layout of that neighbour, angled in such a way that means it faces towards the boundary shared with application site, would result in an unacceptable overbearing impact and a loss of outlook which would be harmful to the residential amenities of the occupants of this dwelling. Although I recognise that this impact cannot be measured through the undertaking of specific calculations in the same way that, to a large extent, loss of daylight/sunlight can be, the resultant feeling to the neighbours is just as significant and for this reason I consider that the proposal is contrary to the thrust of the adopted policies designed to protect residential amenity. Therefore, the changes that have been incorporated into the latest building design do not overcome the first reason for refusal.

- 6.8 Although reference has been made to a loss of privacy in the private representations received, I am satisfied that privacy levels enjoyed by the nearest neighbours to the development would not be affected given the separation distances involved and the siting of windows within the building.
- 6.9 The current proposal seeks to provide 1 parking space per unit which has removed the need for tandem parking as previously proposed. An element of the rear garden is to be a communal garden. In support of this arrangement, the applicant has stated that the previous representations made by KHS in 2010 stated that there was a general acceptance that 1 parking space per dwelling would be acceptable. KHS have accepted that this minimum provision is acceptable in this location.
- 6.10 Turning to the third, final, reason for refusal it has been confirmed that the site would fall within NEC C for both day and night time. On this basis, policy SQ6 of the MDE DPD states that in such circumstances planning permission for new residential development will not normally be permitted. However, based on the technical advice provided by DHH I am satisfied that the mitigation measures proposed will ensure an acceptable internal aural environment could be achieved. As a result, this issue has been satisfactorily overcome.
- 6.11 Turning to other remaining matters, local residents continue to raise concern about the intensified use of the access and the potential hazards to traffic safety. This matter was addressed during the assessment of TM/10/01658/FL and was not considered to be a justified reason for refusal at that time. As the density of the proposed residential development is not proposed to increase beyond that assessed in 2010, there is no reason for a different outcome now.

6.12 Neighbours have also raised concerns about the potential impact on protected trees and have made reference to problems experienced in this respect when the former Five Trees site (now 185a-c Hadlow Road) was developed (same applicant). I am also aware that a protected Horse Chestnut tree on the site frontage has died. Officers have historically been involved in lengthy processes to ensure that a suitable landscaping scheme was implemented for that site but that is not necessarily reason to doubt that a suitable scheme would not be brought forward for this neighbouring site and this is a matter that could adequately be dealt with via planning condition. The protection of existing trees could be adequately controlled via planning condition and monitoring by the LPA. These matters certainly do not provide suitable grounds for refusal.

6.13 In light of the above assessment, I consider that the proposed development is unacceptable in terms of policy CP24 of the TMBCS and policy SQ1 of the MDE DPD given the impact on the immediate neighbours and in respect of other factors. As such, the following recommendation is put forward:

## **7. Recommendation:**

7.1 **Refuse Planning Permission** in accordance with the following submitted details: Letter dated 06.12.2011, Proposed Layout P.31.2263 B dated 06.12.2011, Report ARBORICULTURAL AND PLANNING dated 06.12.2011, Letter dated 13.10.2011, Email dated 12.10.2011, Planning Statement dated 13.10.2011, Design and Access Statement dated 13.10.2011, Noise Assessment dated 12.10.2011, Location Plan P.30.2263 dated 13.10.2011, Proposed Floor Plans P.32.2263 dated 13.10.2011, Proposed Elevations P.33.2263 dated 13.10.2011, Proposed Elevations P.34.2263 dated 13.10.2011, Drawing P.35.2263 dated 13.10.2011, Existing Plans SV/1/2263 dated 13.10.2011, for the following reasons:

### **Reasons:**

1 The proposed development, by virtue of its siting, overall size, bulk, massing and the specific relationship with 189 Hadlow Road, would result in an unacceptable overbearing impact on that property, to the detriment of the residential amenities currently enjoyed by its occupants. As a result, Local Planning Authority considers that the site is unable to accommodate the proposed development in a satisfactorily manner, contrary to national planning guidance in Planning Policy Statement 3: Housing, Policies CP1 and CP24 of the Tonbridge and Malling Core Strategy and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

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