

**Tonbridge
Medway**

559607 147107 11 June 2013

TM/13/01736/FL

Proposal: Erection of a detached chalet style dwelling on land to the rear of 51 Hadlow Road and formation of new vehicular access to Hadlow Road and hardstanding to serve 51 Hadlow Road
Location: 51 Hadlow Road Tonbridge Kent TN9 1LF
Applicant: Mrs Jane Elks

1. Description:

- 1.1 Planning permission is sought for the construction of a detached chalet-style dwelling located to the rear of 51 Hadlow Road. The house is proposed to be sited in tandem formation with No.51, facing onto the access and parking area which will be on the side of the new house furthest from the existing house meaning that the rear elevations of the two houses will face each other. The scheme involves the sub-division of the existing plot meaning that the rear garden serving the new house would be approximately 15m, with the remainder (approximately 20m) continuing to serve No.51.
- 1.2 The dwelling is proposed to accommodate a total of four bedrooms within the roofspace, which contains a series of pitched roof dormers within the front and rear facing roof slopes.
- 1.3 It is proposed with a width of 9m and a depth of 9.1m and a ridge height of 7.2m when taken from the proposed finished floor level.
- 1.4 Access for the new house is proposed to be off Bourne Lane, with a new parking area, including a new vehicular access off Hadlow Road to serve No.51.
- 1.5 This submission follows the refusal of planning application TM/10/00951/FL, which was refused under Delegated Powers in June 2010 for the following reasons:

“The proposal would constitute over-development of the site, having regard to the overall footprint of the building and limited size of the plot, meaning that the site would be unable to accommodate the proposed development satisfactorily and for this reason it would be detrimental to the general character of this locality and harmful to its visual amenities, 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 development would be out of keeping with and detrimental to the established character of the Low Density Residential Area by virtue of the introduction of additional built development within an open area of undeveloped land and through the sub-division of the existing plot. As such, the proposal would be contrary to

6. Determining Issues:

- 6.1 Since the previous refusal of planning permission, the policy framework has moved forward considerably. The NPPF, published in March 2012 has replaced the guidance previously provided within PPS3: Housing. Furthermore, saved policy P4/9 (low density residential areas) has been superseded following the adoption of the MDE DPD (2010), and no longer remains a material consideration for Development Control purposes as the Tonbridge CAA SPD has now been adopted (February 2011). However, the general thrust behind the latest policy framework has not changed fundamentally and it is therefore still necessary and appropriate to assess whether the latest scheme has sufficiently overcome the previous reasons for refusal.
- 6.2 One of the core planning principles of the NPPF is the need to proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units needed. It also encourages the effective use of land by reusing land that has been previously developed (brownfield land) that is not of high environmental value.
- 6.3 Annexe 2 of the NPPF defines previously developed land (PDL) as being land which is or was occupied by a permanent structure including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). However, Annexe 2 specifically excludes private residential gardens from the definition of PDL. As such, the application site cannot be said to constitute previously developed land and there is, therefore, no automatic presumption in favour of development of this site.
- 6.4 Notwithstanding the above, the site lies within the built confines of Tonbridge and policy CP1 of the 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.
- 6.5 With the above in mind, given that the site lies within the built confines and within a residential area, I am satisfied that there is no objection to the general principle of the development of this site for residential purposes.
- 6.6 It is, however, crucial to ensure that any proposed development suitably respects the surrounding environment. Indeed, the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 56). It also stresses the need for development to respond positively to local character, reflecting the identity of local surroundings whilst not discouraging appropriate innovation (paragraph 58).

- 6.7 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.
- 6.8 The scheme differs from that previously refused in a number of significant ways. It no longer proposes the provision of a detached garage. This has enabled the proposed house to be shifted further to the northern end of the site. This has resulted in the building having an improved frontage with Bourne Lane and allowing for the creation of a larger rear garden than the refused scheme. As a result, and assisted further by the reduction in the overall scale of the dwelling itself, the proposed building would sit far more comfortably within the plot and I am satisfied this scheme would not represent an overdevelopment of the site and in this respect there would be no harm to the visual amenities of the established built environment.
- 6.9 This site and much of the surrounding area has historically been designated as a low density residential area by policy P4/9 of the TMBLP. As I have explained, this has now been superseded following the adoption of the MDE DPD, and the associated CAA SPD which was adopted in February 2011. The SPD identifies that 51 Hadlow Road itself lies within a character area defined by main road frontages. However, it must be stressed that the proposed development would be directly seen within the context of the Bourne Lane area to the north, which the Character Area Appraisal SPD describes as being characterised by low density development, set within large, verdant plots.
- 6.10 As outlined in paragraph 6.8, this proposal allows the building to sit comfortably within the plot and this also results in it being largely comparable with the properties located to the north-east, on the opposite side of Bourne Lane, particularly Green Hedges. This means that rather than being at odds with the prevailing character surrounding the site, as the previous scheme was considered to be, it would be far more commensurate with the most directly relatable part of the immediate locality.
- 6.11 I recognise that a number of the houses located along Bourne Lane have some visual merit and that the CAA SPD acknowledges some as being 'well conserved Victorian villas'. But equally, the SPD states that the houses in this area vary in terms of their design. Again, I would reiterate that the most direct visual

relationship the building would have would be with Green Hedges, which is a common-place, small scale bungalow. With this in mind, I consider that the proposed design it is not visually harmful to the locality. I would also mention that paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes.

- 6.12 I have no concerns regarding the impact of the dwelling on the residential amenities of the surrounding properties given its particular siting and layout which has resulted in its only primary relationships being with the end parts of neighbouring gardens serving the properties in Hadlow Road. The only window to be installed at first floor level within the north-east elevation of the building, looking towards Green Hedges, would serve an en-suite bathroom. This can be controlled by planning condition to be obscure glazed and non-opening should Members be minded to grant planning permission.
- 6.13 I appreciate the concerns raised by neighbours in respect of intensified use of Bourne Lane but do not believe that this would be a justifiable reason to refuse the application. Effectively, the area is currently used for parking to serve No. 51 and this proposal would transfer that use to the new house, with parking for No. 51 relocated to the front curtilage of that property. KHS have not made representations to date but crucially raised no objections to the previous planning application and there were no highway safety grounds for refusal in that case. As such, I am satisfied that the proposal is acceptable in terms of both parking provision and highway safety.
- 6.14 With the above assessment in mind, I consider that the proposed development meets the requirements of the NPPF, policy CP24 of the Tonbridge and Malling Core Strategy 2007 and SQ1 of the MDE DPD 2010 and has successfully overcome the previous reasons for refusal. As such, I recommend that planning permission be granted subject to conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 11.06.2013, Design and Access Statement 935 dated 11.06.2013, Site Plan dated 11.06.2013, Survey 935-04 dated 11.06.2013, Proposed Floor Plans 935-05 dated 11.06.2013, Proposed Floor Plans 935-06 dated 11.06.2013, Parking Layout 935-07 dated 11.06.2013, Proposed Elevations 935-08 dated 11.06.2013, Proposed Elevations 935-09 dated 11.06.2013, Block Plan 935-10 dated 11.06.2013, Site Layout 935-11 dated 11.06.2013, subject to the following:

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 The development hereby approved shall not commence until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed at first floor level in the north-east of the building other than as hereby approved, 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 neighbouring properties.

- 5 The first floor window on the north-east elevation shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto the neighbouring property.

- 6 If during development, ground contamination is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of protection of the environment and harm to human health in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 7 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space to serve both the new dwelling and No. 51 Hadlow Road has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking which would be in conflict with the aims of policy SQ8 of the Managing Development and the Environment DPD 2010 and Kent Highway Services Interim Guidance Note 3: Residential Development (2008)

- 8 No development shall take place until full details of the method of surface water disposal for the hard surfacing serving 51 Hadlow Road have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: Development without the provision of adequate surface water disposal is likely to contribute to the risk of localised flooding which should be avoided as anticipated in paragraph 103 of the National Planning Policy Framework (2012).

- 9 The development shall be constructed at the level indicated on the approved drawing.

Reason: To ensure that the development does not harm the visual amenity of the locality in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

Informatives:

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to nameandnumbering@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 To reduce the severity of domestic property fires and the number of injuries resulting the Fire Officer recommends that consideration should be given to the installation of a sprinkler system in all new properties. (Q053)
- 3 On the day of refuse collection, the wheeled bin from each property should be placed on the shared entrance or boundary of the property at the nearest point to the adopted KCC highway.
- 4 During the construction phase the hours of working (including deliveries) shall be restricted to Monday to Friday 0800-1800 hours, Saturdays 0800-1300 hours with no work on Sundays or Public or Bank Holidays. You are advised to contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to seek the necessary consents required under Section 61 of the Control of Pollution Act 1974.

Contact: Emma Keefe