
West Malling West Malling And Leybourne	567406 157905	27.01.2006	TM/06/00288/FL
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Proposal:	Two storey two bedroom detached house with parking
Location:	Land Rear Of 8 And 10 Alma Road West Malling Kent
Applicant:	Regalpoint Developments Limited

1. Description:

- 1.1 It is proposed to erect a two storey two bedroom detached house with parking on the southern side of Woodlands Close. It will have side spaces of 1m to the west and 4m to the east and will be set approx. 1.2 m from the edge of Woodlands Close. The rear garden will have a maximum depth of 5.5m and a minimum depth of 4m.
- 1.2 There are no first floor flank windows and there is one landing first floor window to the rear and two rooflights to en-suite and bathroom.
- 1.3 Two tandem parking spaces are proposed on the western side, abutting the alleyway fence behind 1-7 Woodlands Close. This will necessitate a new vehicular access.

2. The Site:

- 2.1 The application site is in the settlement of West Malling. It is a fenced off portion of the rear gardens of 8 and 10 Alma Road with a frontage to Woodlands Close to the north. It includes a concrete outbuilding in its SW corner.
- 2.2 To the west is a private alleyway bound by a close board fence 1.8m high and then the rear gardens of 1 and 2 Woodlands Close which are in a longer terrace of 1-7 (incl) Woodlands Close . To the south is the rear part of the garden of 12 Alma Road, the common boundary is currently a 1m high paling fence.
- 2.3 The plot measures 12m wide and an average of 13.75 m deep. The density is therefore 60 dph.

3. Planning History:

- 3.1 TM/05/02822/FL Withdrawn

Two storey three bedroom detached house with garage and parking.

4. Consultees:

4.1 PC: Objection: Over-intensive development; proposal is out of character with its surroundings; development would overlook adjacent properties; aware of strong opposition from many local residents.

4.2 KCC (Highways): No objection.

4.3 Private Reps: Art 8 + (23/7R/0X/0S). Seven objections have been received as follows:

- the access is not acceptable in highway safety terms.
- opportunistic attempt for financial gain.
- Woodlands Close is already congested, danger of parked cars getting damaged from collisions by large vehicles eg refuse freighters.
- Congestion will hinder access by emergency vehicles.
- Woodlands Close needs speed ramps due to dangerous speeds.
- will cause loss of light to gardens in Alma Road and houses and gardens of Woodlands Close - an independent surveyor will be employed to verify this.
- it is not proper professional conduct to carry out light assessments without going into the affected property.
- lawyers will be instructed if planning permission is granted.
- Too much infilling and overall development with lack of infrastructure affects the quality of life in West Malling.
- displacement of on-street parking.
- additional traffic in a cul de sac where children play.
- loss of outlook and view due to blank wall.
- loss of privacy.
- loss of frontage where wheelie bins stored so refuse will be stored behind my garden fence leading to smells and maggots near where my children play, any health problems as a result will result in a claim for compensation.
- development out of alignment with and too close to existing buildings.
- no back garden and takes away garden from 8 and 10 Alma Road.

- no need for housing in this very special area locally due to Kings Hill, Leybourne Grange etc. This is not intended to serve low income households or first time buyers.
- will give a green light for further house building that will deteriorate water supplies, overload doctors services etc.
- inconvenience during construction.

5. Determining Issues:

- 5.1 The principle of development of a dwelling on this plot is acceptable as West Malling is designated for minor residential development and the access arrangements are acceptable according to KCC (Highways). A condition is suggested for visibility splays.
- 5.2 This application is a resubmission of an application for a larger dwelling on the plot, a 3 bed house with integral garage to the side. Changes have been made as follows:
- Garage deleted and bedroom number decrease from 3 to 2.
 - Previous footprint 65 sqm, current proposal footprint 50 sqm
 - Previous eaves height 5m, current proposal eaves height 4.4m
 - Previous ridge height 7.2m current proposal ridge height 7.2m
 - Previous rear garden depth 5m max and 1m minimum, current proposal rear garden depth 5m max and 4m minimum
 - Previous distance of flank wall to rear garden boundary of 1 and 2 Woodlands Close 2m current proposal distance 5.2m
- 5.3 The house is to be sited close to the edge of Woodlands Close (averaging approx. 1.5m) with a restricted frontage. It will generally be aligned with the flanks of 8 Alma Road and 1 Woodlands Close which are 1.5m and 3m respectively from the edge of the highway. I accept that the siting will not accord with existing development patterns in Woodlands Close or Alma Road but I do not consider that the siting is so harmful to the character of the street-scene that it is justified to refuse on this aspect.
- 5.4 Woodlands Close is a more modern estate that is built to a higher density than Alma Road. There is no minimum garden size set out in policy or SPG. The size of the unit now proposed, notwithstanding the limited depth of the plot, is no longer considered to look unduly cramped nor out of character with the locality. However, permitted development rights would need to be restricted.

- 5.5 There will no longer be such a dominating effect on the rearmost part of the garden of 12 Alma Road and that property's garden and also the garden of no. 14 Alma Road will no longer experience overlooking as all first floor windows/rooflights to the rear elevation can be conditioned to be obscure glazed. The staircase window could also be fixed shut and the rooflights could be conditioned to be above eye level.
- 5.6 The western flank will be approx. 10 m from the rear of a two storey rear extension to 1 Woodlands Close (previously 6.6m) and approx. 12.5m from the rear of no.2 (previously 9m). The impact on their outlook and morning sunlight received in their habitable rooms is now reduced and acceptable in planning terms. The proposal has been assessed according to the daylight/sunlight guidelines of the BRE in this regard and is satisfactory.
- 5.7 The western flank will be approx. 5m from the rear garden boundaries of 1 and 2 Woodlands Close and therefore will no longer significantly impact on outlook and morning sunlight and daylight received in their gardens sufficient to refuse planning permission in my view. The proposal has been assessed according to the daylight/sunlight guidelines of the BRE in this regard also.
- 5.8 The new house can be conditioned to provide satisfactory refuse storage facilities. The effect of this house removing road frontage and therefore displacing bins previously stood there on collection day is not a land use matter in my view.
- 5.9 Single houses do not have to make any contribution to local infrastructure according to current planning policy and windfall proposals do not have to demonstrate local need.
- 5.10 I am of the view that the proposal has been amended to overcome concerns with the previous scheme and is now worthy of support.

6. Recommendation:

- 6.1 **Grant planning permission** as detailed by drawings RP/AR/2A and site location plan date stamped 27.01.06 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. (Z013)

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. (D003)

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

- 3 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 in the east, west or south elevation of the building other than as hereby approved, without the prior written consent of the Local Planning Authority. (D013)

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.

- 4 No development shall take place until details of existing and proposed levels for the site have been submitted to and approved by the Local Planning Authority. The submitted details shall specifically include the finished slab level of the proposed dwelling. The work shall be carried out in strict accordance with those details. (D008*)

Reason: To ensure that the development does not harm the visual amenity of the locality and in order to protect the amenities on neighbouring residential properties.

- 5 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space 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 and 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. (P004)

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 6 Any gateway to the access shall be set back 5.0 metres from the edge of the highway. (H013)

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 7 The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter. (H017)

Reason: In the interests of highway safety.

- 8 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation. (L001)

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.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001)

Reason: To allow the Council to control development in the interests of amenities.

- 10 The staircase window on the south elevation shall be fitted with obscured glass and shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter. (R003*)

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

- 11 The rooflight windows on the south elevation shall be fitted with obscured glass and the bottom sill shall be above 1.6m above internal floorlevel. This work shall be effected before the rooms are occupied and shall be retained thereafter. (R003*)

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

- 12 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter. (R004)

Reason: To facilitate the collection of refuse and preserve visual amenity.

Informatives

- 1 With regard to works within the limits of the highway, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.

- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate number(s) to the new property/ies. To discuss the allocation of numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, 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. (Q050)

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