
Offham Downs	565824 157473	13.03.2006	TM/06/00858/FL
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Proposal:	3 bedroom detached dwelling with garage
Location:	Land Adjacent To Dianella North Meadow Offham West Malling Kent ME19 5NU
Applicant:	Mr And Mrs G R Goodwin

1. Description:

1.1 The proposal seeks planning permission for a new detached residential property. The site lies within the built confines of Offham.

2. The Site:

2.1 The site lies within the village confines, opposite the Cricket Ground, and between two existing dwellings that front onto North Meadow, one owned by the applicant and one a Grade II Listed Building. North Meadow is a one-way street, with traffic moving from south to north. The MGB lies to the rear of the site.

3. Planning History:

3.1 TM/05/01634/FL Withdrawn 13.09.2005
3 bedroom detached dwelling with garage.

3.2 TM/90/1409 Approved 20.12.1990
Renewal of outline permission TM/87/2037 for detached house with garage and access.

3.3 TM/90/1326 Approved 28.11.1990
Two storey rear extension.

3.4 TM/87/2037 Approved 03.02.1988
Outline application: Detached house with garage and access.

3.5 MK/4/53/166 Approved 18.06.1953
Outline application for one dwelling house.

3.6 MK/4/53/303 Approved 20.08.1953
Dwelling house.

4. Consultees:

4.1 PC: Objects to the application on the grounds that:

- It is no improvement on the previous application;

- The proposed development is contrary to the principles of Policy P4/11 of the TMBLP;
- We are particularly concerned with the negative impact on the street scene and the development would impair the setting of a listed building;
- Neighbours are concerned again with the impact of building in such close proximity to two listed buildings, which have no foundations, and the nearest property has a basement;
- Neighbours expressed concern over potential additional parking on North Meadow which is a narrow one way road.

The Parish Council is opposed to this application and we hope that our concerns will be taken on board and that this application will not be recommended for approval.

4.2 MKWC: No response.

4.3 KCC (Highways): No objections.

4.4 DHH: No objections.

4.5 Private Reps: Art 8 Site and Press Notice + 7/0S/0X/3R. Three letters received, objecting on the following grounds:

- The proposal will have a detrimental impact on the stability of the neighbouring properties, which are Listed and do not have foundations;
- There is insufficient space between Dianella and Walnut Tree Cottage for an additional property;
- The proposed infill dwelling will appear overcrowded and spoil the appearance of the road;
- The closely spaced driveways are a concern;
- The knock on effect of on-street parking, given the lack of parking provision on site;
- The proposal will adversely affect the setting of the adjacent Listed Building, and is therefore contrary to policy P4/1 of the TMBLP;
- The massing of the proposal, particularly the garage, would harm the character and amenity of the area, particularly as the garage is located adjacent to gardens and large open space to the rear of the property. The massing of the garage would be completely out of character and setting;

- The design of the proposal is for a gable ended roof on the side of the property that would front Walnut Tree Cottage. This is an increased massing to the previous proposal and will result in an increase in shadowing to the rear garden;
- The provision of a garage to the rear of the back garden will result in a loss of direct sunlight to the adjacent rear garden.
- The proposal will result in a loss of light to the adjacent property, which already suffers from poor levels of natural internal light.

5. Determining Issues:

- 5.1 The main determining issues relating to this proposal are whether the principle of the proposal is acceptable, whether the design and siting of the proposal is acceptable and the impact of the proposal in relation to the adjacent Listed Building.
- 5.2 The principle of a new dwelling has been established by previous applications (most recently by TM/90/1409), which granted outline planning permission for a dwelling of a similar size and position to the proposed dwelling. Therefore, an assessment needs to be made regarding what, if anything has changed since that time. I am of the opinion that there have been no significant material changes to the policy context or the site since that time. The adjacent property, Walnut Tree Cottage, was listed at the time of considering this previous application. In terms of policy changes, whilst the site remains within the village confines, the KSP and the TMBLP have been adopted. This includes the adoption of policy RS3 (b) of the KSP 1996 and P6/3 of the TMBLP 1998.
- 5.3 Policy RS3 (b) of the KSP 1996 and P6/3 of the TMBLP indicate that minor residential development is appropriate in principle in this village, subject to proposals conserving and enhancing the special character of the settlement. Policy P4/1 of the TMBLP states that proposals which would adversely affect the setting of a Listed Building will not be permitted. Policy QL1 of the emerging KMSP states that the existing built environment of high quality and character should be preserved or enhanced.
- 5.4 Policy P4/11 of the TMBLP states that proposals should be appropriate in terms of density, scale, layout, siting, mass, form, height, and in terms of the impact on adjacent buildings and land, the surrounding area, the skyline and distant views.
- 5.5 The proposal has been amended from the previous application (TM/05/1634/FL) to increase the space between the proposed house and its north boundary from 2.2m to 3m. The design has been altered to create a gable frontage, remove the single storey front element of the proposal, remove the integral garage and create a single detached garage towards the rear of the site.

- 5.6 The applicants have submitted a streetscape plan that shows the ridge height of the proposed dwelling would be 40cm below that of the adjacent Listed Building (Walnut Tree Cottage) and 20cm below that of Dianella. I am of the opinion that the revised design of the proposal has succeeded in making it more in keeping with the surrounding locality, particularly through the creation of a gable frontage and loss of the single storey addition at the front of the property.
- 5.7 I am of the opinion that the proposal would reflect the design of Dianella and would not adversely affect the setting of the adjacent Listed Building. The site is situated on the edge of the village and therefore the design of any proposal is particularly important. I am of the opinion that the proposal would result in a design that is sympathetic with the surrounding properties. As such, I am of the opinion that the proposal would not be detrimental to the special character of the village of Offham.
- 5.8 The site lies adjacent to the MGB. Whilst the proposed dwelling will be visible from the MGB, due to the siting of the proposed dwelling in relation to the existing dwellings, I am of the opinion that the proposal will not be detrimental to the wider MGB and will not significantly harm the openness of the surrounding countryside.
- 5.9 The proposed dwelling has no principal windows in the side elevations, and therefore I am of the opinion that the proposal will not result in a loss of privacy. Whilst Walnut Tree Cottage has some side windows adjacent to the site, I am of the opinion that the proposal is a satisfactory distance away so as to not result in a significant loss of light to this property.
- 5.10 Policy Annex PA4/12 of the TMBLP sets out guidance with respect to the impact on daylight and outlook to neighbouring properties. I am satisfied that the proposed house and garage will not result in a significant loss of light or outlook for the adjacent property.
- 5.11 Policy Annex PA4/12 of the TMBLP also sets out guidance with respect to the built form of a proposal. It requires that a minimum gap of 1 metre from the common boundary is maintained to decrease the possibility of “terracing”. The proposal would be approximately 1.8m from the boundary, and therefore I am of the opinion that the proposal will not result in a “terracing” impact.
- 5.12 I note the concerns raised about the impact of the proposal on the foundations of the adjacent Listed Building. However, this is not a material planning consideration as it is an issue that is capable of being adequately addressed through Building Regulations. I am of the opinion that the proposed parking area is satisfactory and that the proposed new access will provide satisfactory visibility splays.
- 5.13 In light of the above considerations I am of the opinion that on balance, the proposal is acceptable, subject to high quality materials being used.

6. Recommendation:

6.1 **Grant Planning Permission** as detailed in letter dated 23.02.2006 and plan nos. T/GG/0A1, T/GG/02 and T/GG/03, 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 No development shall take place until details and samples of materials to be used externally 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: To ensure that the development does not harm the character and appearance of the existing building or the 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 south and north elevations 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 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.

5 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. (L003)

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.

- 6 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 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.

- 7 The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 8 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 Classes A-E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001*)

Reason: In the interests of amenity.

- 9 The first floor window on the north 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 room is occupied and shall be retained thereafter. (R003*)

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

Informatives:

- 1 With regard to the construction of the pavement crossing, the applicant is asked to consult The Highways 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)

Contact: Glenda Egerton