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<b>Offham Downs</b>	<b>565873 157183</b>	<b>30.06.2006</b>	<b>TM/06/02199/FL</b>
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Proposal:	Demolition of garage and construction of a pair of semi detached houses plus replacement garage serving Kingscot
Location:	Land Adjacent To Kingscot Tower Hill Offham West Malling Kent ME19 5NH
Applicant:	D L + J P Hitch Associates

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### **1. Description:**

1.1 The proposal seeks planning permission to erect a pair of semi detached houses. The proposal will involve demolishing the existing detached garage to Kingscot, to allow an access onto the site, and erecting a replacement garage for Kingscot within the site.

### **2. The Site:**

2.1 The site lies within the village confines. The site is situated within the Offham Conservation Area, and currently lies within the curtilage of Kingscot, which is a Listed Building. There are a number of other Listed Buildings nearby. Tower Hill is a single track road. The land to the south of Kingscot falls steeply away. This adjoining land is outside the village confines and within the MGB and SLA.

### **3. Planning History:**

- 3.1 TM/04/00883/FL Refused 21.07.2004; Appeal Dismissed 17.05.2005  
Demolition of garage and erection of replacement garage plus new detached dwelling with garaging.
- 3.2 TM/06/00407/FL Withdrawn 29.03.2006  
Demolition of garage and erection of new pair of semi-detached dwellings plus a pair of replacement parking spaces serving Kingscot.

### **4. Consultees:**

4.1 PC: Objection on the following grounds:

- Whilst we recognise that each application has to be judged on its own merits, the planning history of a site is also of importance. This is the third planning application submitted for the development of the site within the last two years. The first, a large detached dwelling, being refused and an Appeal dismissed 17th May 2005, and the second, a pair of semi-detached dwellings, being withdrawn March 2006. Bearing in mind the grounds on which the original application for the development of a large detached house on this site was dismissed, and the objections to the second application for a pair of semi-detached properties, we are both surprised and disappointed to see a

subsequent application that seems to totally ignore a number of the comments made by neighbouring occupants, the Parish Council and indeed the Planning Inspector.

- Albeit that this time the applicant has significantly improved the external elevations and the properties are much more in keeping with others within the Conservation Area, this does not overcome our fundamental objections to the inappropriateness of the development of this site.
- Whilst the site is within the village envelope it is in a prominent position within the Conservation Area and is in close proximity to a number of listed buildings. The Planning Inspector in his Decision Notice dated the 17th May 2005 stated that:

“I consider the main issue in this appeal to be the effect of the proposed development on the character and appearance of the surrounding area, part of the Offham Conservation Area and adjacent to listed buildings”.

- Whilst in the previous application the Inspector considered the only listed building affected by the proposal was Kingscot, this time the proposal will have a direct impact on both Kingscot, Teston Cottage, Tower Hill Cottage, Offham House and Postern House in addition to several properties fronting Teston Road.
- Whilst the ground level of the proposed site is the same as that of the adjacent properties fronting Teston Road, the boundary between the proposed site and Kingscot marks a steep change in ground levels as one proceeds along Tower Hill from Teston Road. Consequently the proposed development will have a significant detrimental impact on all of the adjoining properties both in Tower Hill and those fronting Teston Road.
- Furthermore, the proposed development will be visible not only immediately from its access with Tower Hill but also from further along Tower Hill where the land rises again and one is able to clearly look back towards Teston Road, the properties that front it and indeed Offham Manor.
- Although we now believe the external appearance of the proposed pair of semi-detached three bedroom houses to be significantly improved, we still believe that they will have a detrimental impact on both surrounding properties and the general area as a whole. The houses will be extremely visible from Tower Hill and will still look “squeezed” into the site and will, if developed, urbanise this very rural road.

- Therefore we firmly believe that as in the case of the original application, the proposed development would result in unacceptable harm to the character and appearance of the surrounding area, failing to preserve or enhance the character or appearance of the Conservation Area and harming the setting of adjacent listed buildings.
- Furthermore we also believe that access and traffic issues were not given proper consideration in the case of the previous application, especially as this is a particular issue of great concern universally with the occupants of all the surrounding properties. Tower Hill is an extremely narrow “road” with limited visibility from all existing driveways. Additional traffic movements from two three-bedroom houses will be of considerable further detriment to highway safety. Furthermore whilst two parking spaces per dwelling may well satisfy your Council’s parking standards, in reality houses of this size are likely to generate two cars per household, leaving no provision for visitor parking within the site itself. It is not physically possible to park on Tower Hill without blocking the road.
- Given that in this particular location three access ways already exist to garages belonging to Kingscot, Tower Hill Cottage and Teston Cottage. Alterations to the driveway serving Kingscot to facilitate an additional two dwellings is surely too many in one location, especially given the restricted visibility along Tower Hill itself.
- Bearing in mind that Highways did not raise any objections to the original application, we would in this instance request that we could meet with the relevant Planning Officer and Highways Engineer to discuss the particular issue of traffic in order that we can fully understand their recommendations in relation to this latest application.
- We understand that a number of local residents have written/are intending to write to you directly, however several attended our Parish Council meeting on the 18th July and in summary, the issues raised were:
  - The proposed dwellings are within two feet of the southern boundary wall of properties fronting Teston Road and will interfere with the amount of sunlight in the gardens of properties fronting Teston Road.
  - There are first floor windows in the rear and side elevations that will interfere with the privacy of properties fronting Teston Road.
  - Proximity to adjoining properties in Tower Hill and in particular Teston Road.

- Concerns about the additional traffic movements from two three bedroom semi-detached properties on a very narrow road and, in particular, the number of existing driveways in very close proximity at this particular point on Tower Hill.
- Tower Hill is very narrow with very few passing bays. The current driveway into Kingscot acts as an informal passing bay and without it drivers would have to regularly reverse up to the junction with Teston Road which is a very dangerous junction as visibility is extremely limited.
- There have been three accidents within the last three years at the junction of Tower Hill and Teston Road and any additional traffic trying to exit or access will simply exacerbate the problem.
- The proposed development will be detrimental to the character and appearance of Offham.

4.2 KCC (Highways): No objections.

4.3 DHH: Views awaited.

4.4 Offham Society: The proposal will be intrusive to the open aspect of the adjacent countryside when viewed from the rear of adjacent properties fronting onto Teston Road. The proposal will be very detrimental to the long established enjoyment of the occupiers of those properties to the south.

4.5 The proposal will create additional traffic movement in a very narrow road with limited sight lines and an increased hazard to traffic flowing along Teston Road and the Tower Hill junction.

4.6 Private Reps: Art 8 Site and Press Notice + 11/0S/0X/2R. Six letters received, raising the following objections:

- The access and entry point to serve the development is very dangerous.
- The revised design of the proposed properties is more suitable for a Conservation Area.
- Access to Tower Hill is via a narrow concealed entrance and the proposal would result in additional vehicles using that access. Access to Tower Hill is via a narrow concealed entrance which is only a few yards from a Grade II property. There are already problems with vehicles having to back out onto Teston Road to allow traffic out of Tower Hill. Traffic using Tower Hill often causes damage to our frontage. Increased traffic is likely to lead to more damage to the Listed Building and an increased risk of traffic accidents.

- The site cannot be developed without causing major inconvenience and disruption to residents of Tower Hill and the surrounding area. Tower Hill is very narrow, it is not clear how heavy lorries would access the site.
- The location of the proposed development is at one of only two passing places in the lane. If lost it would mean reversing a significant distance if a vehicle came from the opposite direction. The lane is often used by farm traffic towing large machinery and this would cause considerable problems.
- The proposed building will be very intrusive to the open aspect of adjacent countryside, as viewed from the rear of adjacent properties fronting onto Teston Road and detrimental to the long established enjoyment of the occupiers of the properties to the south.
- Although the height of the roof is lower than the previous designs it will still cut out the sun during the winter months and be visible from adjacent properties.
- The houses are even closer to adjacent properties than the last application and there is a first floor window which overlooks Offham Place Gardens. As the houses are built at an angle the privacy to properties in Teston Road will be compromised by the view from the front windows as well.
- It would be a shame to see the area become like Kings Hill with houses on all sides.
- The proposal will have a detrimental impact on the Conservation Area and in particular on the nearby listed properties.

## **5. Determining Issues:**

- 5.1 The main determining issues relating to this proposal relate to whether the principle of the proposal is acceptable, whether the design and siting of the proposal would be acceptable, the impact of the proposal in relation to Listed Buildings surrounding the site, in relation to the Conservation Area within which the site lies, and in relation to the residential amenity of neighbouring properties.
- 5.2 The site lies within the village confines of Offham, as defined within the TMBLP. Policy P6/3 of the TMBLP identifies that minor residential development is appropriate in principle in this village, subject to proposals conserving and enhancing the special character of the settlement.
- 5.3 Policy SP1 of the KMSP states that development should protect and enhance the environment and achieve a sustainable pattern and form of development.
- 5.4 The site lies adjacent to the MGB. The Inspector's report on the previous planning application (TM/04/00883/FL) concluded that whilst the proposed dwellings will be visible from the MGB, due to the siting of the proposed dwelling, the proposal

would not be detrimental to the MGB and will not significantly harm the openness of the surrounding countryside. I am of the opinion that the current proposal will not have a significant overall additional impact upon the openness of the countryside. As such, I am satisfied that the principle of the development is acceptable and in accordance with policy P6/3 of the TMBLP.

- 5.5 Offham is a rural settlement. Policy SP1 of the KMSP and P4/11 of the TMBLP require that proposals should not harm the particular character and quality of the local environment and make a positive contribution towards the enhancement of the area. Development should also be well designed, appropriate in location, scale, density and appearance to its surroundings; acceptable in highway and infrastructure terms; and should enhance the character, amenity and functioning of settlements.
- 5.6 The density of the proposal is approximately 23 dwellings per hectare, below the density sought within PPG3. However, given that the site is situated within a Conservation Area and is within the curtilage of a Listed Building, I am satisfied that this density is acceptable. I do not consider that the size of proposed dwellings is out of keeping with the scale of the surrounding properties in the locality.
- 5.7 The site is situated within the Offham Conservation Area, and is therefore subject to Policy P4/4 of the TMBLP, where proposals must preserve or enhance the character and appearance of the Conservation Area. In addition, Kingscot itself is a Listed Building, and there are a number of other Listed Buildings surrounding the site, including Teston Cottage and Offham House. Policy P4/1 states that proposals that would adversely affect the setting of a Listed Building will not be permitted.
- 5.8 I am of the opinion that the plans appear to address the issues raised by the Inspector with respect to the dismissed appeal relating to TM/04/00883/FL. The design of the proposal has been altered, and I am of the opinion that the design of the proposal is now much more in-keeping with the design of that part of the Conservation Area.
- 5.9 One of the main concerns with the appeal scheme was the height of the roof and the impact that it would have upon the appearance of the conservation area. The height has been reduced from the appeal scheme (from 8m to 7.1m), and I am of the opinion that the height of the proposal would not have a detrimental impact upon the appearance and setting of the conservation area. As a result, the relationship of the proposal with Kingscot and the other adjacent properties has been significantly improved.
- 5.10 The surrounding properties are set at an angle within their plots to the road. The proposed properties would be set at an angle to Tower Hill, contributing to the informal appearance of this setting, and as such, would improve the setting of the property in the Conservation Area.

- 5.11 I am satisfied that the proposal will not result in any loss of light or privacy in relation to the neighbouring properties, and meets the requirements of Policy P4/12 of the TMBLP. The dwellings to the north of the site lie approximately 27 metres from the proposed house. Furthermore, the only windows overlooking the rear gardens of these properties serve an ensuite bathroom. The dwelling to the east of the site is 26 metres away from the proposed house and therefore I am satisfied that no significant loss of light or privacy will result from this proposal. Kingscot lies 14 metres away from the proposed dwelling. Again, the only window proposed that would overlook this property is an ensuite bathroom window. Policy Annex PA4/12 recommends a minimum distance of 21m is maintained between habitable rooms. A condition can be used to ensure that this window is obscure glazed. In light of this, I am satisfied that the proposal will not result in a loss of privacy to this property, and is in accordance with Policy P4/12 of the TMBLP.
- 5.12 The proposal provides adequate parking and turning for the proposed properties and for Kingscot. The plans have been amended to address the issues raised by KCC (Highways), including widening the access to allow two-way traffic to pass, the reduction in size of the 'build outs' to improve manoeuvring space and the widening of the parking spaces. The provision of two additional dwellings is not considered to have a significantly detrimental impact on the junction of Tower Hill and Teston Road, nor upon the safety of Tower Hill.
- 5.13 Objections have been made regarding the noise that would be created from the construction work and other issues relating to construction vehicles accessing Tower Hill. However, these are not material considerations.
- 5.14 I note the concerns raised in relation to the additional impact that the proposal would have upon the wider road network and upon services in the locality. However, given the policy considerations with regard to the principle of development of this site, the wider implications of this development will be minimal and as such are not a significant or determining consideration.
- 5.15 I note the PC's comments about the number of applications received for this site. However, this is not a material consideration.
- 5.16 In light of the above, I consider the proposal to be acceptable.

## **6. Recommendation:**

6.1 **Grant Planning Permission** as detailed in letter dated 28 June 2006 and plan nos. 2006/014/PL2/A and 2006/014/PL3/A, 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 All materials used externally shall match those of the existing building.

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 south-east elevation 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 adjoining property.

- 4 The window on the south-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 room is occupied and shall be retained thereafter. (R003)

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

- 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.

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 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

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

- 7 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space, for both the new house and for Kingscot, 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.

- 8 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.

- 9 No building shall be occupied until the area shown on the submitted plan as turning area 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 10 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, B, C and D of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of amenity.

Informatives:

- 1 The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names 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 contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to [trevor.bowen@tmbc.gov.uk](mailto:trevor.bowen@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 With regard to the construction of the pavement crossing, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.

Contact: Glenda Egerton