
West Malling West Malling And Leybourne	567721 158378	21.08.2006	TM/06/02562/FL
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Proposal:	4 bedroom family house
Location:	Land Rear Of 31 To 38 Brickfields West Malling Kent
Applicant:	Mr And Mrs Wolfstrome

1. Description:

- 1.1 The proposal seeks planning permission for the erection of one four bedroom dwelling.
- 1.2 The proposed dwelling is a contemporary two storey, low energy sustainable dwelling.
- 1.3 The application is accompanied by a supporting statement from the Kent Architecture Centre. It suggests that the proposal follows the principles encouraged within the Kent Design Guide, which promotes sustainable construction and building and encourages innovative design.

2. The Site:

- 2.1 The site lies within the settlement confines of West Malling as defined within the Tonbridge and Malling Borough Local Plan 1998 (TMBLP). Policy P6/3 of the local plan defines West Malling as a settlement where minor residential development is acceptable in principle subject to proposals conserving and enhancing the special character of the settlement.
- 2.2 The site is currently an area of grassland. It has been previously used for parking on a casual basis by the residents of 31-38 Brickfields, and until recently there were a number of greenhouses on the site, owned by adjacent residents.
- 2.3 The site lies adjacent to a group of terraced properties, 31-38 Brickfields. These are situated at a ground level of approximately 1.5m lower to the application site.
- 2.4 The site is accessed by a narrow, unmade road, which extends to the A20. It currently has vehicular access. The private shared access is also part of the route of a public right of way.

3. Planning History:

- 3.1 TM/05/01341/OA Approved 01.11.2005
Outline application for the erection of one dwelling.

4. Consultees:

- 4.1 PC: No objections.

- 4.2 Kent Fire & Rescue Services: The access for Fire Service appliances shown on Plan Drawing No 1202/L/201 is considered inadequate. I list the following for your consideration:
- 4.3 Could you please confirm that the site entrance will be maintained at a minimum of 3.1m width and that the hard standing for vehicles will be a minimum carrying capacity of 12.5 tonnes.
- 4.4 Otherwise the premises will fall outside the 45m maximum travel distance and be considered inadequate for fire appliance access under the County of Kent Act 1981.
- 4.5 KCC (PROW): In section 4.7 of the Design/Access Statement included with the application, the applicants propose to infill the existing gaps in the footpath/site boundary hedge with new hedge species. I have no objection to this, but the applicants must be aware that any overgrowth from the hedge into the footpath must be regularly trimmed in accordance with the Highways Act 1980, section 154.
- 4.6 It is important to advise the applicants that a Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width of the path at any time. This includes any building materials or waste generated during any of the construction phases. No furniture or fixtures may be erected on or across PROW without the express consent of the Highways Authority.
- 4.7 KCC (Highways): No objection.
- 4.8 DHH: A bin collection point will need to be arranged as close to the adoptable highway as possible.
- 4.9 All land contamination conditions related to planning application TM/05/01341/OA for the site will apply. However, in order to get a better picture of contamination issues, the developer may wish to carry out a "Desk Study and Walkover Survey" of the site.
- 4.10 Private Reps Art 8 Site and Press Notice + 16/0S/0S/5R. Five letters received, objecting on the following grounds:
- The proposal is for a 2-storey property whereas we were previously informed it was to be a bungalow. The statement that a "single storey solution was not appropriate for the site" is completely contrary to the views of the Planning Committee. This could imply that the applicants are being far too ambitious for the site.
 - The proposal is far closer than the 21m previously stated at outline stage, the closest corner being only about 12m from the boundary with the terraced

properties. This makes the proposal much more intrusive upon 31-38 Brickfields than had formerly been suggested at outline planning stage.

- The proposed hedgerow adjacent to the terraced properties appears to be about 1.8m high which, given that the ground level is approximately 1.2m above the rear of the properties, would severely restrict natural light to the ground floor windows of these properties.
- The root system of the proposed hedgerow adjacent to the terraced properties may have repercussions on the stability of the retaining/boundary wall.
- The design of the proposal is not sympathetic to the surrounding properties. Most properties in the area have tiled roofs and many are red brick. The front elevation of the proposed dwelling, with its small windows, slated roof and expanse of heather grey brickwork, is rather drab and suggests that it has been designed to complement the industrial development rather than the older style housing that constitutes the majority of the surrounding area.
- The materials proposed are not locally sourced.
- The proposal appears to be split into two linked sections suggesting that it will lend itself to future development as 2 separate properties.
- The site should not be described as 'urban wasteland'. The site was previously a garden and site only became wasteland after neighbours were evicted from their section, which they had rented for over 22 years.
- The site is not used for parking cars and does not contain any greenhouses.
- The proposal will result in overlooking of the rear of Brickfields cottages.
- The proposal suggests that it will use materials to match the adjacent cottages. However, as the development is approximately six times as big as an individual cottage the effect of this is minimal.
- The large proposal will tower over the adjacent footpath. The footpath is a pleasant walk for many people.
- The proposed car parking spaces are very close to the rear of Brickfields cottages, within 4m of an adjacent residential property.
- The architects appear to be working on plans at too grand a scale for this site.
- No evidence have been submitted to support the sustainability statement.
- Rainwater cannot be relied upon to supply the proposed dwelling, given that droughts are often experienced in Kent. This will only lead to a further drain on local water resources.

- The proposal does not allow access for any large vehicles, including dustcarts. Any household waste will have to be left on Brickfields itself. There is no provision for the adequate or sensible disposal of household waste.

5. Determining Issues:

- 5.1 The principle of creating a residential unit on the property was established by Members at the Area 2 Planning Committee on 26 October 2005.
- 5.2 When Members resolved to grant outline planning permission for a dwelling on the site they considered it appropriate to condition that it should be a single storey dwelling in the interests of the visual amenity of the locality, to prevent over-intensive development of the site and to ensure that the scale of the development is compatible with the character of the site and its surroundings.
- 5.3 Policy QL1 of the KMSP and Policy P4/11 of the TMBLP states that development proposals, including alterations and extensions to residential properties, must not harm the particular character and quality of the local environment, and should make a positive contribution towards the enhancement of the area. It requires proposals to be of an appropriate density, scale, layout, siting, mass, form, height and to be of a high quality design.
- 5.4 Policy NR1 of the KMSP and Policy P3/19 of the TMBLP encourages the incorporation of energy efficient design principles in new development proposals.
- 5.5 The site is accessed from the A20 by a narrow, unmade road. The site lies to the rear of a group of terraced properties. The other sides of the site are well screened from adjacent properties. Therefore, the impact of the proposal upon this group of terraced properties is the main consideration in terms of the impact on residential amenity.
- 5.6 The application is accompanied by sectional drawings, a full Design and Access Statement and a supporting letter for the Kent Architecture Centre. The proposal is for a two storey dwelling, but the section drawings indicate that the proposed eaves will be the same height as the eaves of 31-38 Brickfields. The ridge height of the proposed dwelling will be slightly lower than the ridge height of 31-38 Brickfields.
- 5.7 The proposed dwelling would be situated 17.5m from 38 Brickfields, and therefore I am of the opinion that the proposal will not have an overbearing impact on this group of properties, nor result in a significant loss of light, despite the ground floor of these properties being set at a lower ground level to the application site.
- 5.8 I note the concerns raised about the planting of a beech hedge on the boundary of the site with 31-38 Brickfields. However, the applicants could erect a means of enclosure along that boundary up to 2m in height without requiring the benefit of

planning permission and indeed a hedge could be planted that could be grown to any height without needing the Council's approval.

- 5.9 I am of the opinion that the proposal will not result in a significant loss of privacy. At ground floor level, the proposal the proposed kitchen window would be approximately 20m from the rear of 38 Brickfields. However, being at ground floor level, this would be screened from direct view into the rear of this property by the existing boundary features and by the proposed beech hedge to be planted on the boundary of the site. At first floor level, the windows that would face towards the adjacent residential properties would serve a landing and stairway, and would not therefore result in a significant loss of privacy.
- 5.10 I note the concerns raised in respect of the design of the proposal. In my view, it is the quality and appropriateness of the design and materials to the surroundings and the ability of the development to compliment its context that are the crucial tests.
- 5.11 The adjacent properties are constructed of red brick and have a tiled roof. The proposed dwelling would be constructed of Heather Grey stock bricks, sweet chestnut cladding, welsh slates and sweet chestnut windows. Whilst these materials differ from the adjacent properties, I am of the opinion that the design and materials of the proposal are acceptable. The proposed dwelling is not a Victorian terraced dwelling, and as a result of the differing form that this proposal is taking as a result, and also because of the different shape and size of the site, I am of the opinion that the site lends itself to a contemporary design. Furthermore, the natural differences in the level of the site from the ground level of the adjacent properties dictate that a similar designed property to the adjacent properties would be inappropriate, with similar heights and a similar pitched roof. As a result, an individual design for this site is an appropriate solution. In this respect I welcome the support received from the independent institution the Kent Architecture Centre.
- 5.12 Given that the site is situated some distance from the road, the proposal will not detract from the character or appearance of the wider street scene.
- 5.13 The proposed plans indicate that the proposal is for one dwelling. Should it be proposed at a later date to sub-divide the dwelling into two separate properties, this would require planning permission.
- 5.14 I note the concerns raised relating to the impact of the proposed dwelling on the enjoyment of the adjacent PROW. The PROW is screened from the site by a tall, mature hedgerow, which it is proposed to maintain. Given the proximity of walkers using the PROW to the hedgerow, and the height of this hedgerow, I am of the opinion that the proposal will not be clearly visible from the PROW.
- 5.15 I also recognise the benefit of this hedgerow on the long term control for the wider rural area and therefore I consider it appropriate to maintain the hedgerow at a height of no less than 3.5m and gapping up any sparse parts of the hedgerow.

- 5.16 I note the concerns raised about the proposed parking area. The proposed parking area would be a minimum of 6.5m from the rear of the first floor of the adjacent properties. This parking area would only serve one dwelling. The point of access to the dwelling has been agreed within the previous application. As a result, I am of the opinion that the proposed parking will not result in a significant loss of amenity to the adjacent residential properties.
- 5.17 I note the loss of casual parking that would result to the properties adjacent to Brickfields and the potential problems that could result from this on the A20. The applicants have agreed to provide three additional parking spaces for use by these dwellings.
- 5.18 A condition can be used to require further details to be submitted for approval for the storage of refuse. These details would require the applicants to submit details of an appropriate bin collection point close to the public highway.
- 5.19 I note the requirements of Kent Fire and Rescue Services. However, the previous outline application was considered to be acceptable in relation to these issues. The means of access to the site has not been altered from the previous application and the legislation that the Kent Fire and Rescue Services are applying has not altered since the time of the previous application, and therefore I consider the proposal to be acceptable in relation to these aspects.
- 5.20 Overall I am impressed by the approach adopted in the submission. It proves the worth of the use of Design and Access Statements to ensure that a proper site analysis is carried out and that the design of a scheme responds to the particular characteristics of a site. In this case it amply demonstrates that the underlying aims of applying a requirement for a single story dwelling (as in the outline permission) can equally well be met by a two story dwelling that is sensitively designed for this particular site. (A "standard" design of house is unlikely to be as successful in meeting this aim.)

6. **Recommendation:**

- 6.1 **Grant Planning Permission** as detailed in letters dated 03.08.06, 07.08.06, 17.08.06, 18.08.06 and 20.09.06, 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.

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. The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic.

4. The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

5. The access to the site shall not be used until details of vision splays where the main part of the site meets the public right of way have been submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied until the details shown on the approved plans have been implemented. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

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 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.

7. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space for 31-38 Brickfields has been provided, surfaced and drained. Thereafter, it shall be kept available on this basis 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.

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

8. No development shall take place until details of measures for the disposal of surface and foul water drainage have been submitted to and approved by the

Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of pollution prevention.

9. 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.

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

10. Before development commences, details of the slab levels of the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority and the approved slab levels shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

11. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a suitably qualified or otherwise responsible person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development):

(c) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

12. No development shall take place until details of measures for the disposal of surface and foul water drainage have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of pollution prevention.

13. The hedge bounding the east of the site shall be retained at a height of not less than 3.5m in height and where necessary shall be gapped up unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

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 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. 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 Highways Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
4. The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without any consent which may be required from the beneficiaries of that right of way. (Q041)

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