
Report of 7 May 2008

Platt **561695 155682** **27 February 2008** **TM/08/00467/FL**
 Borough Green And
 Long Mill

Proposal: Change of use of building from residential annexe to residential dwelling (C3)
 Location: The Paddock Basted Lane Crouch Sevenoaks Kent TN15 8PZ
 Applicant: Mr And Mrs Safdar

1. Description:

1.1 This application is to change the use of an existing annexe building into a separate dwelling. The works include a car parking area and subdivision of the existing garden into a private garden area to serve the new dwelling.

2. Reason for reporting to Committee:

2.1 Level of local objections.

3. The Site:

3.1 The application site is situated within the rural settlement confines of Crouch. It is situated adjacent to The Paddock which is a bungalow set in substantial grounds. The area in general comprises a mixture of properties of varying styles. The site is accessed via an existing access track serving 4-5 properties.

3.2 The building is a chalet style building which already has the appearance of a dwelling. It has dormer windows in the roof slope, two bedrooms and an integral garage. At present there is a drive way area to the front of the building and a large Fir tree with some lower level landscaping. There is also an existing oil tank adjacent to the building.

4. Planning History:

TM/00/01020/FL Grant With Conditions 19 March 2001

Increase in height of roof of existing bungalow, single storey rear extension, garage conversion, detached garage and garden store

TM/01/02687/FL Grant With Conditions 14 December 2001

Side and rear extension to existing bungalow, conversion of garage into living accommodation and replacement roof to provide first floor accommodation

TM/53/10241/OLD grant with conditions 27 August 1953

Outline Application for Development Layout.

TM/53/10561/OLD Application Withdrawn 21 May 1953

Outline Application for Residential Development.

TM/60/10709/OLD Application Withdrawn 12 July 1960

Outline Application for Residential Development.

TM/64/10956/OLD grant with conditions 17 June 1964

Outline application for one dwelling.

TM/67/10831/OLD grant with conditions 20 March 1967

A bungalow.

TM/99/01123/FL Refuse 18 February 2000

two storey and single storey extension and detached garage and garden store

TM/03/03024/FL Grant With Conditions 3 November 2003

Construction of garage and workshop with hobbies room at first floor level

5. Consultees:

5.1 Platt PC: We object to this proposal.

When considering this application we would ask that you refer back to the refused application TM/96/01793/FL for a new detached dwelling at 'Ivers' which is adjacent to The Paddocks. Our reasons for objection to this application reflect the reasons for the refusal at Ivers in that the introduction of a new dwelling at this location is severely detrimental to the amenities and the interests of adjacent properties and to the character of the general area. The shoe-horning of a new dwelling into such a small plot is totally out of character to all other developments in Crouch. The access to this site was considered sufficiently substandard and with poor sight lines onto Basted Lane in the Ivers case to be part of the refusal reasons in 1996. The use of Basted Lane since then has increased due to the

housing development at Basted Mill to create an even more hazardous situation at the access track junction.

We also remain most concerned by the method whereby the approval for a garage with hobbies room at this location, TM/03/03024/FL, has been converted to a residential annexe through what we consider to be devious means with no consultation. The reasons for condition 3 of 03/03024 were to safeguard the amenities and interests of adjacent properties. As stated above and in the refusal of TM/96/01793/FL, a new residential property in this area is contrary to those reasons and so a residential annexe is equally contrary to that condition.

5.2 KCC (Highways): The plans show the division of the site and a new access created to the dwelling from the existing shared private driveway. The plans show a two bedroom house with integral garage and suitable curtilage parking/turning, which is likely to be acceptable for this use. I therefore raise no objections subject to appropriate conditions.

5.3 Private Representations: 12/0X/0S/18R + Site Notice. 18 letters of representation have been received objecting to the development on the following grounds:

- Restricted access onto Basted Lane at a blind corner.
- Increased traffic on a narrow driveway.
- This building was approved as a garage to be used in association with the dwelling.
- Applications for additional dwellings in the locality have been rejected due to limited and insufficient access.
- The access is insufficient to accommodate additional traffic resulting in an increase in traffic hazards on a 60 mph road.
- There are already difficulties turning onto the drive and sight lines are restricted.
- A previous application for an additional dwelling on the adjacent property and served off the same road was refused on highway grounds.
- Loss of residential amenity.
- Nothing has changed to justify an approval and the existing condition being removed.
- The dwelling would be out of character with other properties in the locality and the village and contrary to policies.

- This type of development will set a precedent for future development in the locality.

6. Determining Issues:

- 6.1 The key issues to consider in the determination of this application are the policy implications of this type of proposal, the resulting development and impact on the character of the area, highway and access issues and the impact on residential amenities.
- 6.2 The main policy to consider in this location is CP13 which allows certain villages to be the subject of infill development within the rural settlement boundaries. The application site is within the rural settlement boundary of Crouch and therefore new residential development is acceptable in broad policy terms.
- 6.3 On this site the circumstances are slightly different in that this is an existing structure capable of occupation without any further building works. However it is clear that the resulting development would not be of a similar plot size to adjacent properties. Therefore the acceptability of the proposal depends on the impact the change of use of this building to a separate residential dwelling would have on the amenities of adjacent residential properties, because in policy terms an additional dwelling in this location is acceptable.
- 6.4 In terms of the impact on amenities there are a number of different issues to consider. Firstly the impact on the character of the locality which is limited, due to the location and size of the building. It is not visible from a public viewpoint and, due to its size, would have a limited impact on adjacent residential property which all have significant garden areas and are sited a reasonable distance from this building. For these reasons I do not consider that there could be an impact on the character of the locality and its amenities and a difference in the size of a plot is not in itself a reason to refuse an application.
- 6.5 Secondly, the impact on the residential amenities of adjacent residential properties, which again is limited in light of the substantial distances between buildings and private garden areas. The closest residential building is approximately 30 metres away and therefore there can be no loss of light, overbearing or overlooking of these properties due to the proximity of the buildings and therefore no loss of residential amenities.
- 6.6 The main dwelling likely to be affected by the additional dwelling is The Paddocks, as it is sited adjacent to and in close proximity to the site. However this impact has been overcome by the layout of the proposed garden area, which will largely screen the new dwelling unit by the planting of new hedges and trees and the erection of a 1.8 metre high fence. (In addition a replacement tree is required, as a large fir tree at the front of the building would be lost.) This relationship is only acceptable because of the size of the remaining private garden serving The Paddocks and the type of windows along the rear elevation of the bungalow, which

are mostly secondary windows and do not serve principal rooms. Consequently the proposed planting overcomes the relationship between the existing and proposed dwellings and is likely to result in a limited loss of amenity which can largely be controlled by conditions restricting further development without consent.

6.7 The final issue is the highway and access implications of the proposed development. Clearly there is a significant level of concern regarding the suitability of the existing access arrangements and the increase in traffic. Kent Highways have raised no objection as it is an existing annexe building and an existing access and therefore the level of additional traffic would be limited and there would not be a sufficient increase in terms of traffic generation and level of use to justify a refusal on those grounds. Indeed the same could be said in terms of the impact the additional traffic would have on residential amenities as it would be so limited that it would not be justifiable to refuse on these grounds.

6.8 Therefore, I consider that the proposed development is acceptable and in line with policy requirements and is recommended for approval, subject to appropriate conditions controlling car parking and turning, landscaping and restriction of further development.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Certificate B dated 13.02.2008, Letter dated 13.02.2008, Letter PLTS/TM/07/04088/INF Copy dated 13.02.2008, Site Layout DHA/6475/02 dated 13.02.2008, Site Layout DHA/6475/03 A dated 13.02.2008, Location Plan DHA/6475/01 B dated 13.02.2008, Letter dated 27.02.2008, Floor Plans And Elevations dated 27.02.2008, 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 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.

- 3 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.

- 4 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 to include a replacement Scots pine tree. 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.

- 5 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, C and E 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 the protection of residential amenities and the appearance of the locality.

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. 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 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

- 3 Tonbridge and Malling Borough Council operate a wheeled bin, boundary of property refuse collection service. In addition the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. On the day of 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. The Council reserves the right to designate the type of bin/container. The design of the development must have regard to the type of bin/container needed and the collection method.

Contact: Lucinda Green

SUPPLEMENTARY REPORTS**AREA 2 PLANNING COMMITTEE****DATED 7 May 2008**

Platt **TM/08/00467/FL**
Borough Green And
Long Mill

**Change of use of building from residential annexe to residential dwelling (C3) at
The Paddock Basted Lane Crouch Sevenoaks Kent TN15 8PZ for Mr And Mrs
Safdar**

DPTL: I have taken the opportunity to examine the PC's concern that this recommendation is inconsistent with the refusal of a new dwelling rear of Ivers (ref TM/96/01793/FL). There appear to be 2 distinct differences. One is that it has been over 10 years since the Ivers decision and highways considerations now need to reflect the likelihood of actual risk arising out of the nature of visibility splays and the number and spacing of passing places on private roads - rather than a policy based assessment. KHS would need to be satisfied that there is now an unacceptable and insuperable level of risk - this does not appear to be their view. The second difference is that the Ivers case involved a wholly new-build dwelling. The current application is to allow a building that is already in residential occupation, as an annexe (and therefore a source of traffic generation) to be used as an impendent dwelling. Whilst I accept that a new separate household is being created, the overall change in traffic flows resulting from this application is less than would be expected for a new build dwelling.

RECOMMENDATION REMAINS UNCHANGED
