

TM/02/02891/FL Grant With Conditions 26 November 2002

Construction of a garden shed.

TM/02/03330/FL Grant With Conditions 3 January 2003

Two storey side extension.

TM/03/03401/FL Grant With Conditions 10 March 2004

Construction of conservatory to rear.

TM/05/03460/FL Grant With Conditions 30 January 2006

Detached garage.

TM/06/00984/FL Grant With Conditions 18 July 2006

Porch and pitched roof over existing bay windows.

TM/08/01804/FL Approved 28 July 2008

Construction of detached double garage.

5. Consultees:

- 5.1 PC: As the construction is of a similar size to that consented under 08/01804/FL, WPC have no objection, but as the building is substantially a wooden structure, would ask that the PA ensure that building complies with current building regulations. The applicant should mitigate the impact of the north and western sides of the building on neighbouring properties by planting and WPC request conditioning accordingly.
- 5.2 KCC (Highways): No highway implications associated with the proposal.
- 5.3 Private Reps (4/2R/0S/0X) + Art 8 site notice: Two letters of objections received. Main issues raised:
- Not notified of previous planning application.
 - This is a flagrant abuse of the planning system.
 - Impact on residential amenity, overshadowing, loss of privacy and overbearing.
 - Building is closer to neighbours dwelling than the host dwelling.

- Roof height and design, and materials and their colours are prominent and out of character with area.
- Fire hazard concerns.
- Increase in noise.
- A neighbours hedge was hacked down to erect the garage.
- Poor build quality.

6. Determining Issues:

- 6.1 The development has been assessed against the requirements of Saved Policy P4/12 and Annex PA4/12 of Tonbridge and Malling Borough Local Plan 1998, Policies CP7, CP13 and CP24 of the Tonbridge and Malling Core Strategy 2007.
- 6.2 The use of this part of the garden for a double garage has already been approved under TM/08/01804/FL. Therefore, the use is considered appropriate in principle. The key areas of assessment in this application therefore focus on the impact the change in materials and the design of the garage have had on visual amenity and on the neighbouring property.
- 6.3 The garage as built has a maximum height of 3.2m compared to 3m as approved. The eaves height is now 2.14m compared to 2m as approved. The length is now 6.054m compared to 6.9 m as approved and the width is now 5.4m compared to 5.5m approved. Overall, the bulk is marginally lower due to the reduced footprint but the height of the eaves and ridge have increased by 14 cm and 20 cm respectively.
- 6.4 It is considered that the relatively small increase in height does not dominate or overshadow the adjoining property particularly given that the existing fence screens most of the structure.
- 6.5 It is also relevant to note that there are permitted development rights to erect a fence on the common boundary up to a height of 2m.
- 6.6 As the garage is at the rear of the garden, in my opinion, there is no significant overshadowing or overbearing impact on neighbouring properties. It is true that the garage is visible from the neighbours and, to this extent there is a change in visual impact. It is worth noting in this instance that current Permitted Development Rights would potentially allow a much taller outbuilding to 4m height and 2.5m eaves (albeit not as close to the boundary) as has been erected, which would also be visually prominent to the neighbours. In such a case, there would be no control over the use of materials and colours.

- 6.7 Regarding the objectors' concerns raised about the design of the garage being out of character with the area, the low pitch of the roof aims to reduce the height of the structure. There is clearly a compromise to be struck in this case between design in terms of roof pitch and the consequent visual prominence and impact on amenity. The newness of the garage's materials inevitably increases visual prominence but I agree with the applicant that both the timber cladding and the roof tiles will weather down over time.
- 6.8 With respect to the fire hazard concerns, that is a matter for Building Regulations although I can advise that treatment of the timber to deal with that matter is feasible.
- 6.9 Regarding the concern for noise, there is no change from the approved garage and the area could in any event be used for the parking of cars.
- 6.10 The PC has mentioned the need for landscaping to the north and west sides. No landscaping requirement was imposed previously and as outlined above, I do not consider that the garage has a harmful impact such to warrant landscape screening being required through a condition. I can advise Members that the applicant has mentioned that they intend to plant climbing plants and small trees as is their prerogative.
- 6.11 Given the above it is considered that the garage as erected, whilst marginally taller than the approved outbuilding, will not adversely or inappropriately impact upon the visual or residential amenities of the locality. It is recommended that it be approved.

7. Recommendation:

- 7.1 **Grant Planning Permission** as detailed by Design and Access Statement received 14.04.2009, Photograph NO. 1 received 14.04.2009, Photograph NO. 2 received 14.04.2009, Site Plan received 14.04.2009, Block Plan received 14.04.2009, Drawing DL/04/09 received 10.06.2009.

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