

**Borough Green**  
Borough Green And  
Long Mill

**561026 157589 26 May 2009**

**TM/09/01246/FL**

Proposal: Creation of one additional two-bedroom flat within the roof void together with associated external alterations to the apartment building. Provision of one additional car parking space

Location: 17 Stone Court Borough Green Sevenoaks Kent TN15 8FE

Applicant: Mr Stuart Allington

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## **1. Description:**

- 1.1 It is proposed to convert the roof space of a recently built apartment building located at the western end (front) of the site. To facilitate the additional apartment, a dormer window would be located within the east (rear) facing roof slope of this building. Roof lights would be inserted within the south and west facing roof slopes as well. The apartment would be accessed via the existing communal first floor landing with an additional flight of stairs being inserted above the existing staircase.
- 1.2 It is proposed to create an additional parking bay parallel to the access road to the rear (east) of the apartment building.
- 1.3 Originally, the additional parking space to be provided as part of this development was shown to be provided adjacent to the bin store at the northern end of the site. This has been physically provided already. However, following discussions with the applicant, it is now proposed to create an additional parking space parallel to the access road to the rear of the apartment building. The space next to the bin store no longer forms part of the application and is to be removed.

## **2. Reason for reporting to Committee:**

- 2.1 The application has been called to Committee by two of the local Members because of concerns over car parking and highway safety.

## **3. The Site:**

- 3.1 The site is located inside the settlement confines of Borough Green, on the east side of Wrotham Road. The site contains 23 existing dwellings, 6 of which are apartments in the block the subject of this application and the remaining units are 2 and 3 bedroom dwelling houses. It was formally known as 20-22 Wrotham Road.

#### 4. Planning History:

TM/04/00801/OA Refuse 7 June 2004

Demolition of existing houses and construction of 6 no. 2 bedroom flats and 16 no. 3 bedroom houses, including altered pedestrian/vehicular access.

TM/05/01796/OA Application Withdrawn 12 July 2005

Outline application for the demolition of existing houses and construction of 16 no. 3 bedroom houses, including altered pedestrian/vehicular access.

TM/05/03570/OA Refuse 7 July 2006  
Appeal allowed 5 January 2007

Outline Application: Demolition of existing dwellings and construction of 6 no. 1 bed apartments, 12 no. 2 bed houses and 4 no. 3 bed houses.

TM/07/01747/RM Approved 19 December 2007

Submission of reserved matters being scale, appearance and landscaping pursuant to condition 1 of outline planning permission TM/05/03570/OA (Demolition of existing dwellings and construction of 6 no. 1 bed apartments, 12 no. 2 bed houses and 4 no. 3 bed houses) and submission of details of refuse storage, slab levels, acoustic protection and external lighting pursuant to conditions 5, 14, 15 and 17 of outline planning permission TM/05/03570/OA.

TM/07/04438/RD Approved 29 January 2008

Archaeological Evaluation submitted pursuant to condition 7 of planning permission TM/05/03570/OA: Demolition of existing dwellings and construction of 6 no. 1-bed apartments, 12 no. 2-bed houses and 4 no. 3-bed houses.

TM/08/00552/RD Approved 16 April 2008

Details of materials pursuant to condition 4 of planning permission TM/05/03570/OA (demolition of existing dwellings and construction of 6 no. 1-bed apartments, 12 no. 2-bed houses and 4 no. 3-bed houses).

TM/08/01113/RD Approved 25 July 2008

Alternative details of acoustic protection submitted pursuant to condition 15 of planning permission TM/05/03570/OA: Demolition of existing dwellings and construction of 6 no. 1 bed apartments, 12 no. 2 bed houses and 4 no. 3 bed houses.

TM/08/03002/FL Approved 23 December 2008

Erection of 4 two bedroom apartments and 2 one bedroom apartments being a revised scheme to the one permitted under reference TM/07/01747/RM: Submission of reserved matters being scale, appearance and landscaping pursuant to condition 1 of outline planning permission TM/05/03570/OA (Demolition of existing dwellings and construction of 6 no. 1 bed apartments, 12

no. 2 bed houses and 4 no. 3 bed houses) and submission of details of refuse storage, slab levels, acoustic protection and external lighting pursuant to conditions 5, 14, 15 and 17 of outline planning permission TM/05/03570/OA.

TM/09/00487/RD

Approved

21 April 2009

Details of the construction, retention and maintenance of the junction of the access road with the A227 Wrotham Road, pursuant to condition 9 of planning permission TM/05/03570/OA: Outline Application: Demolition of existing dwellings and construction of 6 no. 1 bed apartments, 12 no. 2 bed houses and 4 no. 3 bed houses.

## **5. Consultees:**

### **5.1 PC: Objection summarised as follows:**

- 5.1.1 The objective of the current application is to provide accommodation on the second floor of this building by means of adding extra windows in the roof. We argue that this will make a significant difference to the local area and that this very fact contradicts the so-called supporting statement that there will be little impact on surrounding buildings.
- 5.1.2 The supporting statement refers to overlooking generally. When this document was written, there was no hint of any accommodation or windows above the first floor. This supporting document therefore has to be ruled as inadmissible as its whole premise is now incorrect. In practice there is now the potential for a material lack of privacy due to the location of the proposed new windows.
- 5.1.3 Supporting statement part 2, 6.3.3 claims the flats to the front of the site will be a simple built form, to avoid an overbearing effect upon the street scene. The inclusion of glazing on the second floor will totally contradict that statement. Three storey buildings are alien to the character of the area.
- 5.1.4 The size and quantity of windows on the main part of the building, as installed, are significantly reduced from the original proposals. This is due to the practical realities of dealing with the high levels of noise experienced for properties close to the A227. We have concerns that the roof construction and sound proofing insulation are not suitable (just 100mm of Celotex?). The applicant has re-cycled data provided with the original application, but this does not include statistical data for any dwelling space above the first floor. We would expect to see fresh submissions of noise measurements and procedures to minimise the effects of it. We suggest that a further noise assessment be undertaken at high level, specifically adjacent to the proposed window locations on the second floor, before any final decision is taken as to the suitability of materials and glazing systems selected.

- 5.1.5 Supporting document 3, 8.5 Energy Conservation, suggests that due to the orientation of the building, most units will be able to take advantage of passive solar heat gain. Installing windows on the south and west faces of the pitched roof compromises scope for installing solar heating or PV generation as part of climate change mitigation.
- 5.1.6 We note that the specification describes two roof windows on the south elevation, however, the drawings show three! Where else are there inconsistencies?
- 5.1.7 We query as to why parking spaces are being provided for this block of flats? We want to see as much off-street parking as possible provided with new developments. However, when the Inspector looked at this development, she said parking spaces were not needed, as all the residents would commute by train. We look to T&MBC to enforce the Inspector's comments and ensure that none of the residents of this building ever attempt to allow a vehicle to be parked on this site. Any such spaces already provided should revert to protected, grassed areas with immediate effect. Likewise, any allocation for guests of this building's tenants should also be removed.
- 5.1.8 We require confirmation that the total amount of children's play area and open space to be provided on this development will increase proportionately with the number of bedrooms and parking spaces covered under this and previous applications and that if this space is not made available, or the existing provision is diluted, that the S106 payments will also increase proportionately.
- 5.2 KHS: The proposals create one additional two bedroom flat along with the addition of one parking space that I find satisfactory.
- 5.3 DHH: The applicant should be required as a condition of approval, if given, to submit a noise insulation scheme.
- 5.4 Private Reps: 36/0S/0X/3R. The letters object to the proposal for the following reasons:
- The building has been constructed with the intention of converting the roof void to a dwelling; therefore the roof has not been built in accordance with the approved drawings.
  - The proposal would create additional traffic onto an already busy road.
  - The proposal would create more light intrusion into a neighbouring property, which will intrude upon their privacy.
  - Three storey buildings are out of keeping in the village.
  - The additional roof lights will allow overlooking to a neighbouring property.

**6. Determining Issues:**

- 6.1 Under policy CP 13 of the Tonbridge and Malling Borough Core Strategy 2007, residential development within Borough Green is acceptable in principle. The main issues for consideration therefore relate to highway safety and residential amenity.
- 6.2 Turning to the issue of highway safety, several factors need to be taken into consideration. When granting outline planning permission on appeal for the development of 22 dwellings within this site (TM/05/03570/OA), the Inspector stated that a car parking provision of 26 spaces was acceptable in this location given its close proximity to the shops, services and public transport in Borough Green. (This provides a ratio of 1.18 spaces per dwelling). The Inspector was aware of the mix of 1, 2 and 3 bedroom dwellings within this development. The Inspector also referred to current Government advice contained in PPG 13 (Transport) that states that developers should not be required to provide more car parking spaces than they wish, other than in exceptional circumstances.
- 6.3 It must be noted that the Inspector did not take into consideration two parking spaces shown in the original planning application. There were, in fact, 28 car parking spaces shown on the scheme allowed on appeal (being 1.27 spaces per dwelling).
- 6.4 When planning permission was sought under ref. TM/08/03002/FL to convert 4 of the 1-bedroom apartments to 4 x 2-bedroom apartments, the submitted layout showed the provision of an additional parking space (making 29 altogether). When considered together with the two spaces not counted by the Inspector, it was considered that the parking arrangements shown at that time were acceptable and unlikely to cause demonstrable harm to highway safety (being a ratio of 1.32 spaces per dwelling).
- 6.5 Under the current Kent Vehicle Parking Standards, a maximum of two additional car parking spaces could be required in connection with the additional flat now proposed. However, the ratio found to be acceptable by the Inspector when determining the outline application was 1.18 spaces per dwelling. The car parking ratio with the current proposal equates to 1.30 spaces per dwelling. Therefore, the provision of one additional car parking space within this development would yield a higher ratio than the Inspector considered to be acceptable (and also higher than was actually proposed) under the outline application for the development of 22 dwellings within this site. In light of this, and that the site is located close to the centre of Borough Green with its range of shops, local services and public transport, I consider that the provision of 1 additional car parking space within this site is acceptable in this instance.
- 6.6 The applicant has changed the parking layout which now shows the additional car parking space to be provided adjacent to two of the approved bays parallel to the access road. This arrangement is considered to be acceptable.

- 6.7 Kent Highway Services has not objected to any highway related aspect of the proposed development.
- 6.8 Road traffic noise was an issue when considering the outline planning application as the site fell within NEC C as defined in saved Local Plan policy P3/17. However, the Inspector considered that with appropriate mitigation, a satisfactory internal noise environment could be achieved within the apartments. A satisfactory scheme of acoustic protection was subsequently submitted and approved for the existing apartment building. The DHH has requested a scheme of acoustic protection for the new flat, should permission be granted and this can be required by a condition.
- 6.9 Whilst an additional floor would be created within this building, the external alterations are of a minor nature, in my opinion. I note the comment of the local resident that three storey buildings are out of keeping in the village. However, the proposal does not entail increasing the height of the existing building. From public vantage points, the visible alterations to the building consist of the proposed roof lights, which reveal only a minor change to the roof form of the existing building. I do not consider, therefore, that the proposed external alterations to the building would harm its appearance or be out of keeping with the general form of development in the locality. In my view the objector is incorrect to suggest that the application entails changing the size and shape of the roof that was approved, other than by the addition of the proposed dormer and roof lights.
- 6.10 The proposed dormer window would be located within the rear (east) facing roof slope. This would afford views of the access road and the front elevation of the dwellings on plots 7-10 within Stone Court. Oblique views may be gained from this window of the front garden of the neighbouring property at 18 Wrotham Road. However, a mature *Leylandii* hedge is located along the common boundary of Stone Court and 18 Wrotham Road (within the boundary of 18 Wrotham Road). This stands at approximately the same height as the eaves level of the apartment building within the application site. The sill height of the proposed roof lights is 1.7m above the floor level of the proposed apartment, which is sufficient to prevent overlooking into the neighbouring properties. In light of all of these factors I am satisfied that the proposed development would not cause an unacceptable loss of privacy to the neighbouring residential properties.
- 6.11 I note the comments of the PC that some of the information submitted by the applicant does not relate to the current scheme. However, an amended supporting statement that relates solely to the current proposal has now been submitted.
- 6.12 I note the PC comments regarding the issue of additional play space. However, the current proposal is for a stand alone application of 1 additional unit of accommodation, separate to that consented under the outline planning permission for 22 units on this site. The proposed floor area covered by the additional

apartment is significantly less than the threshold for seeking a contribution towards play space provision under saved policy P8/2 of the TMBLP 1998. Accordingly, I do not consider it reasonable to seek an additional contribution towards the provision of play space in this instance.

- 6.13 The PC is concerned that the insertion of roof lights within the south and west facing roof slopes would compromise the ability of future tenants to install solar water heating or Photo Voltaic cells. However, the proposed roof lights occupy only a small section of the roof slopes and room would be available to install solar cells in the future. As this is an apartment building, specific planning permission would be required for the erection of any externally mounted equipment of this nature and an application for such work would have to be assessed on its individual merits at the relevant time.
- 6.14 In light of the above, I consider that the scheme is acceptable and, therefore, recommend that permission be granted.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** as detailed by Letter dated 26.05.2009, Design and Access Statement dated 26.05.2009, Email dated 26.05.2009, Site Plan dated 26.05.2009, Floor Plans And Elevations HTS.812.43 dated 26.05.2009, Site Plan HTS.812.01 F dated 29.07.2009, Supporting Statement dated 24.07.2009, Email dated 27.07.2009, subject to:

### **Conditions / Reasons**

- 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 accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms having windows that will be exposed to a level of road traffic noise in Noise Exposure Category B or C as set out in saved Policy P3/17 of the Tonbridge and Malling Borough Local Plan have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq dB in living rooms with windows closed. Additionally, where the internal noise level will exceed 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open the scheme for acoustic protection

should incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation should also be provided to bedrooms having openings onto facades that will be exposed to a level of road traffic noise in excess of 78 LA<sub>max</sub> (slow) time weighting.

The approved scheme shall be implemented prior to the first occupation of the dwelling and maintained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling hereby approved.

- 4 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.

Contact: Matthew Broome