

East Peckham
East Peckham And
Golden Green

567277 148889 14 March 2011

TM/11/00653/FL

Proposal: Construction of new infill dwelling in the garden of an existing dwelling and extension of existing garage
Location: 29 Hale Street East Peckham Tonbridge TN12 5HL
Applicant: Mrs Julie Buchanan

1. Description:

- 1.1 It is proposed to erect a two storey detached house, which is between 8.5m – 12m in width, 13.7m – 15.3m deep, with first floor eaves heights of 4.6m and 5.2m. The roof form comprises a main ridge (9m in height) running from west to east, with lower hipped projections upon both the west and eastern elevations. The southerly roof is in the form of a cat-slide which extends to ground floor level. Gable-ended ridged dormers are proposed in the east, west and southerly roof planes. The materials to be used in the external walls are brick at ground floor with timber boarding at first floor. The roof would be finished in slate, with parts of the southern plane to comprise photovoltaic cells.
- 1.2 It is also proposed to provide vehicle garaging through the extension of the garage located on the boundary between the application site and that adjacent: vehicles for Hale Place (29 Hale Street) would enter the easterly section of the garage from the south, with vehicles associated with the proposed dwelling to enter the (extended) westerly section from the north.
- 1.3 Vehicular access is proposed to be taken from Hale Street via a bridge over a drainage ditch which runs along the western side of the highway (i.e. within the eastern section of the application site) to a parking/turning area located in front of the property. It will be necessary for some of the mature vegetation at the frontage of the property to be removed in order to provide this access and associated visibility splays (2.4m x 43m).
- 1.4 The application indicates that a comprehensive soft landscaping scheme will be undertaken, including additional planting to the northern boundary of the site. The submitted plans indicate the felling/proposed felling of several fruit trees and a copper beech tree (already removed) and the retention and protection of an oak tree and horse chestnut which are located on third party land just outside the northern boundary of the application site.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Rogers, due to “the sensitive nature of this site, its proximity to a Listed Building, the recent refusal for a similar dwelling, the bulk and scale of the proposal and the concerns of a number of consultees”.

3. The Site:

- 3.1 The application site comprises the northerly half of the existing private garden to Hale Place. Hale Place is a large detached two storey dwelling with dormers within the roof planes, and a two storey flat roof extension on the rear (west) elevation. It has a formal postal address of 29 Hale Street: this report will refer to this property as Hale Place.
- 3.2 The dwellings to the north of the application site comprise a two storey Grade II Listed cottage (Hale Place Cottage) set in much closer proximity to Hale Street (the highway) than either Hale Place, or the proposed dwelling. It is of a considerably smaller scale than Hale Place and has been extended through the addition of a contemporary single storey extension to the southern elevation. 45 Hale Street, to the rear of Hale Place Cottage, is a 20th Century two storey dwelling located in a backland position relative to Hale Street.
- 3.3 The application site lies within the confines of East Peckham, which is designated as a Rural Service Centre in TMB CS Policy CP12.
- 3.4 Although the majority of the site is located in Flood Zone 1, a band which runs from north-south along the eastern boundary of the site falls within the 1 in 100 year undefended flood plain as indicated in the SFRA Update (February 2011). This correlates with the position of a drainage ditch which runs along the eastern boundary of the application site. The SFRA Update (February 2011) also indicates that the whole site falls within the 1 in 100 year plus climate change undefended flood plain.

4. Planning History:

TM/90/11587/FUL Grant with Conditions 27 July 1990

Conversion and extension of existing coach house and out buildings into a dwelling and new garaging.

TM/04/04276/FL Grant with Conditions 15 February 2005

Proposed 3 bay oak framed garage

TM/10/02387/FL Refuse 11 November 2010

Erection of detached 2 storey dwelling and detached garage to the side of 29 Hale Street

5. Consultees:

- 5.1 PC: No objection.

5.2 EA: Although the site is currently within a Flood Zone 1, it is very close to the edge of a Flood Zone 3. We welcome that the submitted FRA references the use of flood resilient measures to further mitigate the risk of flooding. We also note that the floor levels of the building will be raised 150mm above the existing ground level which is required in accordance with Building Regulations. To sufficiently mitigate the risks associated with an extreme flood event we would recommend that the finished floor levels are raised to 300mm if possible. There may be problems with safe access/egress during a 100 year flood event on Hale Street, although the property and adjacent areas will likely remain dry. You should therefore be satisfied with the level of safe access/egress in conjunction with your emergency planners.

5.3 Private Representations (7/0X/3R/3S) and Site and Press Notices. Objections raise the following issues, or request the imposition of Conditions to attempt to control particular aspects of the development:

- Principle – recent changes to PPS3 preclude such development;
- Impact on Hale Place Cottage (adjacent Grade II LB)
- Size/height and bulk of the dwelling;
- Position of dwelling;
- Overlooking;
- Loss of light/overshadowing;
- Loss of views;
- Light pollution;
- Noise pollution from use of dwelling (including playing of musical instruments);
- Disposal of rubbish.

6. Determining Issues:

6.1 A planning application for the erection of a detached two storey dwelling and detached garage at the application site was submitted and determined last year under reference TM/10/02387/FL. Planning permission was refused on the following grounds:

- The scale, layout, appearance and parking provision is not well integrated with and does not complement the neighbouring buildings and local area and would be harmful to the character of the area and could harm the living conditions of neighbouring dwellings;

- It could not be concluded that safe access and egress can be taken to and from the site in the event of a flood.
- 6.2 The dwelling proposed under the refused application was 12.3m in width and 16.2m deep (including a 3.2m deep full width ground floor conservatory) with an eaves height of 8m. The broadly hipped roof would have had a table top flat roof (13.2m above floor level), within which it was proposed to position a large lantern style rooflight which would have lit the second floor (located within the roof). Forward projecting two-storey hipped elements were indicated on both the front and rear elevations, with a semi-circular projection upon the southern elevation to incorporate an internal staircase.
- 6.3 Whilst the front elevation of the refused dwelling would have been positioned in a similar location to that of the dwelling as proposed under this application (i.e. level with the front of Hale Place located to the south), the northern elevation would have been positioned approximately 3m from the northern boundary of the site: the northern elevation of the dwelling as proposed under the current application would be positioned 4.2 – 5m from the northern boundary.
- 6.4 Under the refused application, garaging was proposed in a detached building with a floor area of 10.1m x 5.9m, with eaves and ridge heights of 3.5m and 6m, positioned between the dwelling and Hale Street. The northern extent of the parking area proposed under that application was 2 – 2.75m from the northern boundary of the site: the parking area proposed under the current application has been set back a minimum of 5m from the northern boundary.
- 6.5 The planning policy which needs to be taken into account in the consideration of this application includes:
- National planning guidance: PPS1, PPS3, PPS5, PPS7, PPS25;
 - TMB CS Policy: CP1, CP10, CP12, CP15, CP24;
 - TMB MDE DPD Policy: CC1, SQ5, SQ1.

Principle of Development

- 6.6 TMB CS Policy CP15 details that housing will be permitted on non-strategic sites which are not allocated in the LDF but which accord with the sustainability principles set out in Policy CP1 and the settlement hierarchy in Policies CP11, CP12 and CP13 (and other policies where appropriate). Policy CP12 explains that East Peckham is defined as a Rural Service Centre, where housing development will be permitted within the confines of such settlements.
- 6.7 Policy CP1 is the over-arching (high-level) Policy within the LDF, and requires, inter alia, that proposals for development “will be concentrated at the highest density compatible with the local built and natural environment mainly on

previously developed land [“PDL”] and at those urban and rural settlements where a reasonable range of services is available and where there is the potential to be well served by sustainable modes of transport”.

- 6.8 Given the recent changes to PPS3 (Housing) (June 2010), the site cannot be classified as PDL: it is a private residential garden which does not include a permanent structure (the main dwelling – Hale Place – is located to the south of the application site) or any fixed surface infrastructure. The “notes to editors” which accompanied the changes to PPS3 (June 2010) makes it clear that the changes to the guidance in respect of “garden grabbing” (the exclusion of private garden land from the definition of PDL and the removal of the national indicative minimum density) were made to protect against development which the new Government considered to be inappropriate and harmful. There is now no presumption in favour of the redevelopment of this site as PDL although the wider assumption of acceptability of redevelopment within built-up areas remains in play.
- 6.9 As explained in subsequent paragraphs, it is considered that the proposal is in keeping with the character of the area and accordingly I am of the opinion that the dwelling as proposed would be in conformity with PPS3 in this respect.

Design, impact on the character of the area and impact on the character and setting of the adjacent Listed Building

- 6.10 Paragraphs 35 and 36 of PPS1 (Delivering Sustainable Development), and Paragraph 16 of PPS3 (Housing), set out matters which should be considered when assessing design quality. The proposed dwelling can be considered to make efficient use of space, is safe and accessible, provides good access to private outdoor space (i.e. the residential garden), through the construction of the dwelling to Code For Sustainable Homes Level 3 and use of photovoltaic cells upon the roof plane will facilitate the efficient use of resources during use, could provide for the retention of biodiversity within the residential environment, and creates a safe and accessible environment.
- 6.11 Additionally, PPS1 (Paragraphs 33 – 39) and PPS7 (Para 12) require that development is designed to respect, and where possible enhance, the character of an area. PPS7 specifically requires proposals to be “of an appropriate design and scale for its location...”, whilst PPS1 (Para 34) details that “design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”.
- 6.12 Hale Place, located to the south of the application site, was formerly located within a wider setting. This is clearly demonstrated on historic maps of the area: the existing house to the south of Hale Place previously comprised the coach house/ancillary buildings to this dwelling, with 7 and 9 Hale Street comprising relatively recently constructed detached dwellings located within the former curtilage of Hale Place. Hale Place occupies a fairly prominent position within the

street scene: it is of a grander and larger scale than the majority of other houses located in this area. As such, the other dwellings along Hale Street are subservient to Hale Place in terms of their design, form and scale. The positioning of the proposed dwelling within the site, together with its size and scale, maintains the prominence of Hale Place within the street scene: the dwelling proposed under the previous application was considered to be of a design and scale which challenged Hale Place, particularly when viewed from Hale Street itself.

- 6.13 When considering the earlier application, it was considered that the positioning of a second dwelling of the size and scale then proposed would not relate well to the smaller scale of Hale Place Cottage, but that a dwelling of smaller scale with a reduced bulk of roof would better relate to the character of the area through “stepping down” from Hale Place towards Hale Place Cottage. I am of the opinion that the dwelling as now proposed achieves this and is positioned sufficiently far from Hale Place Cottage to not harm the setting of this Listed Building. The occupiers of neighbouring properties have suggested that the proposed dwelling be positioned further into the site (i.e. to the west): I consider that the proposed siting represents an appropriate balance between aligning the dwelling with the frontage of Hale Place, protecting the setting of Hale Place Cottage, protecting the living conditions of 45 Hale Street and the residences located to the rear and protecting the roots of existing mature trees located along the northern boundary of the site.
- 6.14 In terms of the architectural detail of the proposal, the asymmetrical design of the dwelling reflects that of Hale Place Cottage and the ridge height (even subject to it being raised by an additional 0.15m for flood zone reasons) will be comparable with that of Hale Place. The proposed use of slate tiles should allow the provision of a photovoltaic array without compromising the design and appearance of the dwelling. Although the north elevation is rather bland due to the limited number of windows to be positioned within it, views of this elevation from the north-east from Hale Street will be limited by the position of Hale Place Cottage: I do not consider that this elevation detracts sufficiently to warrant refusal of permission.
- 6.15 The extended garage will maintain the ridge height of this building. Its traditional design will not result in an overly large or incongruous structure: there are a number of detached garages of considerable size located between dwellings and the highway along Hale Street. Similarly, the parking and turning area to the frontage of the dwelling also reflects the situation in respect of other properties along Hale Street and allows for the maintenance of mature vegetation to the frontage of the site and new additional screen planting towards the northern boundary (with Hale Place Cottage).

- 6.16 The fruit trees which are proposed to be felled are not, individually or collectively, of outstanding amenity or arboricultural value and their loss would not be resisted. There is no objection on arboricultural grounds. It is recommended that conditions be attached to ensure the protection of the retained trees and in respect of soft landscaping.
- 6.17 Although longer distance vistas are available of the site from the east, the dwelling will be set against the backdrop of other 2 storey residences and it is not considered that it will have a negative impact on longer distance vistas within the landscape.
- 6.18 I am of the opinion that the proposal respects the site and surroundings in terms of its scale, siting, character and appearance and is well integrated with the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Living Conditions

- 6.19 Hale Place Cottage is located approximately 0.5 – 1.0m lower than the existing level of the application site. This difference in levels is less apparent adjacent to 45 Hale Street.
- 6.20 The proposed dwelling would be located between the rear elevation of Hale Place Cottage and the front elevation of No. 45 Hale Street, with the front elevation in a comparable position to the front elevation of Hale Place. Although there may be some impact on the views from both 45 Hale Street and Hale Place Cottage, this is not a material consideration. The proposal will have a limited impact in terms of overshadowing of front and rear amenity areas in the morning/late afternoon but will not materially affect the outlook from either property: it is not considered that the position of the dwelling will cause significant harm to the amenities which the occupiers of these dwellings can expect to enjoy. A mature tree upon the boundary between 45 Hale Street and the proposed dwelling would serve to filter views from the rear of the proposed dwelling, whilst any first floor flank windows to habitable rooms in the northern elevation are to bathrooms and could be obscure glazed by condition.
- 6.21 The parking/turning area as proposed under the previous application was in very close proximity to the southern boundary of Hale Place Cottage: the predominant amenity area associated with this dwelling, together with a recent single storey extension to the south of Hale Place Cottage, are positioned directly to the north of this parking area. In respect of the previous application, it was considered that there was scope for disturbance to be caused to the occupiers of Hale Place Cottage through the movement of vehicles within this parking/turning area in close proximity to that property, particular through moving headlights, intermittent noise and possible creation of fumes. As detailed above, the parking and turning area as indicated in the current application has been amended so that it is set several

metres further from this boundary, with additional planting proposed between. I am of the opinion that this revised layout will address the previous concern over potential harm to living conditions.

- 6.22 An objection has been lodged from one of the dwellings to the rear of the proposal (No. 12 Henham Gardens). There is a mature hedge located upon the rear (western) boundary of this property, which screens the application site from this dwelling when viewed from the ground floor and rear garden/amenity area. The effect of this screening, together with the significant distance of the proposed dwelling from this house (approximately 36m), will serve to protect the amenities and living conditions which the occupiers of this dwelling can expect to enjoy. There may be some impact on longer distance views from the rear first floor windows of this property, although this does not comprise a material consideration.
- 6.23 I consider that other concerns which have been expressed in regard to potential light pollution could be controlled by condition and that any nuisance associated with the playing of musical instruments by occupants of the dwelling would be controlled by other (non-planning) legislation.

Parking and Highways

- 6.24 The proposal will provide significant parking in the form of garaging and a parking area in front of the proposed dwelling. In respect of the previous application, which proposed a similar access arrangement to that proposed under this application, KHS had no objection to the proposal subject to conditions regarding the accommodation of construction vehicles, wheel cleaning, the disposal of surface water, and the retention of garage and car parking spaces. I am of the opinion that the proposal is in conformity with MDE DPD Policy SQ8.

Flooding

- 6.25 As explained in Section 3.0 above, the eastern boundary of the site falls within the 1:100 year undefended flood plain and the whole site is within the 1:100 plus climate change undefended flood plain. The Flood Risk Assessment ["FRA"] submitted as part of the application details that the modelled flood level for the 1:100 year undefended flood event is 13.61m AOD, but as topographic site levels are above 14.00m AOD the majority of the site would lie outside this flood event and would in fact be located within a 0.16 sq km "dry island". The FRA concludes that whilst the eastern boundary of the site is within Flood Zone 3a, the remainder is in Flood Zone 1.
- 6.26 The FRA details that although the dwelling would be located within the part of the site which is Flood Zone 1, mitigation measures are proposed (ground floor level raised 0.15m above external ground levels, bring down electrical services from the ceiling, air brick protection and the use of solid concrete floors). The FRA also details that a formal flood warning and evacuation plan will be prepared and

submitted to the Local Planning Authority which will detail an escape route along Hale Street in the event of an extreme flood warning and that the occupants should remain within the property if flooding along Hale Street is evident.

- 6.27 It is understood from pre-application discussions with the EA that any flood event at the site would be of a relatively short duration (due to the relatively small catchment of the Coult Scheme and the attenuation of flow by the East Peckham Flood Relief Scheme). PPS25 (March 2010) and the associated Practice Guide (December 2009) require that safe access and escape is available to and from new developments. This cannot be provided at the application site in the event that Hale Street floods and accordingly the proposal is contrary to TMBCS Policy CP10. However, I am of the opinion that, subject to the preparation and submission of an appropriate flood warning and evacuation plan, there should be sufficient opportunity for the occupants of the dwelling to evacuate the site via Hale Street prior to a flood event, or if Hale Street were to flood, that the occupants could remain in the dwelling (located within a “dry island”) and either await the subsidence of the relatively short duration flood event, or rescue by alternative means. The Borough Council’s Emergency Planner has raised no objection subject to imposition of conditions regarding the finished floor level, the incorporation of flood mitigation measures and the production and adherence to a flood warning and evacuation plan.

Conclusion

- 6.28 It is considered that the proposed new dwelling and extended garage accords with the guidance in the relatively recently revised PPS3 (including the changes in respect of development within garden areas), will not harm the character of the area, the setting of the adjacent Listed Building or the living conditions of adjoining properties and safe vehicular access can be taken to the site. I am also of the opinion that although safe and dry access cannot be taken from the site via Hale Street in the event that this highway floods, the applicant has demonstrated through a far more robust FRA than that submitted in respect of the previous application (together with associated pre-application discussions with the EA) that the dwelling can either be evacuated prior to the occurrence of a flood event, or the occupants can safely remain within a sizeable “dry” area during flooding of Hale Street (the highway) itself.
- 6.29 Overall, it is considered that the amended design and siting of the dwelling has addressed the first reason for which the previous application (TM/10/02387/FL) to erect a dwelling at the site was refused, with the additional information provided (and flood warning and evacuation plan to be secured by condition) addressing the second reason.

7. Recommendation:

7.1 Grant Planning Permission in accordance with the following submitted details:

Letter dated 14.03.2011, Flood Risk Assessment dated 14.03.2011, Design and Access Statement dated 11.03.2011, Photographs dated 11.03.2011, Planning Statement dated 11.03.2011, Site Plan 0902/10 1:200 dated 11.03.2011, Elevations 0902/11 and plans dated 11.03.2011, Elevations 0902/12 and plans dated 11.03.2011, Arboricultural Survey 0902/13 dated 11.03.2011, Location Plan dated 14.03.2011, 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 or the visual amenity of the locality.

3. Prior to the commencement of development, details comprising plans of the proposed and existing levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with these approved details.

Reason: To ensure that the scale of the development is compatible with the character of the site and its surroundings and in the interests of flood mitigation.

4. The first floor windows within the northern elevation shall be obscure glazed at all times. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the northern or western elevations or roof planes of the dwelling 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 the living conditions of neighbouring properties.

5. Notwithstanding the provisions of Classes A, B or C of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order), no extensions or other alterations to the roof and no extension or enlargement shall be constructed on the dwelling hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of maintaining the appearance and character of the building.

6. 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. 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.

7. Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycling water. The approved scheme shall be implemented prior to the first occupation of any of the units hereby approved.

Reason: In accordance with Policy CP1 of the Core Strategy and Policy CC1 of the Managing Development and the Environment DPD of the Tonbridge and Malling Borough Council Local Development Framework.

8. The area shown on the submitted layout as vehicle parking and turning space shall be surfaced and drained prior to the first occupation of the dwelling hereby permitted, and shall be retained for the use of occupiers of, and visitors to, the dwelling. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that order) shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking and turning space.

Reason: To ensure that adequate parking provision is provided at the site and to allow vehicles to exit the site in a forward gear.

9. Prior to the commencement of development, details of the vehicular access to the site, including cross sections of the slope of the access and the method by which the access shall span the drainage ditch, shall be submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with these details prior to the first occupation of the dwelling hereby approved.

Reason: In the interests of highway safety.

10. Prior to the commencement of development, details of the visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The access shall not be used until the area of land within the agreed visibility splay has been reduced in level as necessary and cleared of any obstruction (including vegetation) exceeding a height of 1.05 metres above the level of the nearest carriageway. The vision splay so created shall be retained at all times thereafter.

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

11. Prior to the commencement of development, a flood warning and evacuation plan shall be submitted to the Local Planning Authority and approved in writing. The requirements of the plan shall be implemented prior to the first occupation of the dwelling hereby approved, and shall be in operation thereafter.

Reason: In order to protect the safety of residents in the event of a flood event.

12. Prior to the commencement of development details of flood resilience and flood resistance measures to be incorporated in the design and construction of the development hereby permitted shall be submitted to the Local Planning Authority and approved in writing. The development shall be constructed in accordance with the approved details.

Reason: To ensure the recommendations set out in the Flood Risk Assessment submitted as part of the application hereby approved are delivered.

Informatives

1. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

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