

- 3.4 Part of the western boundary (the remainder is formed by the garage), and all of the northern boundary, of the application site comprises a 1.8 – 2m high brick wall. A 1.8m high close boarded fence forms the southern boundary (to 5 Cellini Walk).
- 3.5 No. 5 Cellini Walk, which is the dwelling located immediately to the south of the application site is of a similar design and size as 4 Cellini Walk, and has a similar rear conservatory. The curtilages of these two properties are relatively large, particularly in comparison to those houses located on the opposite of Oslin Walk. Oslin Walk itself, and those dwellings located to the north of side of the access (including 10 and 11 Oslin Walk immediately to the north of the application site) are set at a slightly (approximately 0.5m) lower level than 4 Cellini Walk.
- 3.6 A sizeable outbuilding which is apparently used a home office is positioned in the south-western corner of the application site.

4. Planning History:

TM/05/02723/RM Grant With Conditions 15 December 2005

Details of siting, design and external appearance of 7 no. detached houses submitted pursuant to Outline Application ref. TM/97/01183/OA (1,300 dwellings)

TM/06/00604/RD Grant 31 March 2006

Details of materials submitted pursuant to condition 1 of planning permission ref. TM/05/02723/RM (Details of siting, design and external appearance of 7 no. detached houses)

TM/06/01016/RD Grant 23 May 2006

Details of landscaping pursuant to planning permission ref. TM/97/01183/OA (1,300 dwellings)

TM/06/01257/RD Grant 12 June 2006

Details of pergola submitted pursuant to condition 4 of planning permission ref. TM/05/02723/RM (details of siting, design and external appearance of 7 no. detached houses)

TM/08/00456/FL Approved 20 March 2008

Rear conservatory

TM/09/02214/FL Approved 19 October 2009

Single storey timber outbuilding

5. Consultees:

5.1 PC: The Planning & Transportation Committee of Kings Hill Parish Council asked for the above planning application to be called in for the following reasons: The committee's concerns were:

- The percentage increase in the size of the building;
- Out of keeping with other properties in the area;
- Restriction of light to other properties.

5.2 Private Representations (9/0X/2R/0S): Representations have been received from the occupiers of the two dwellings immediately to the north of the application site objecting to the proposal on the grounds that the extension will cause harm to the living conditions which the occupiers of these properties can expect to enjoy by reason of overshadowing and a loss of light and a loss of view.

6. Determining Issues:

6.1 The planning policy which needs to be taken into account in the consideration of this application includes:

- The following paragraphs from the National Planning Policy Framework (2012):
 - 1 – 14: general principles regarding sustainable development and the presumption in favour of sustainable development;
 - 17: core planning principles;
 - 186, 187, 196, 197 and 203 – 206: decision taking in the determination of planning applications;
 - 32, 35, 56 – 66 (design).
- TMBC CS Policies: CP1, CP11 and CP24;
- TMB MDE DPD Policies: SQ1 and SQ8;
- TMB LP: Saved Policy P4/12.

6.2 The application site lies within the confines of Kings Hill. TMB CS Policy CP11 details that development will be concentrated within the defined urban areas of the Borough, which include Kings Hill. Subject to design and amenity considerations, I am of the opinion that the principle of extending the dwelling is acceptable and in accordance with this Policy.

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- 6.3 Due to the position of the existing brick boundary wall to 4 Cellini Walk, the slightly lower level of Oslin Walk relative to the application site and the position of the garages to the rear of the site, the only part of the extension which will be visible from publicly accessible land is the first floor and roof when viewed from Oslin Walk. These views will be filtered through the maturing vegetation both within the section of landscaping immediately to the north of the dwelling, and that located just within the northern boundary of the application site (a row of maturing conifers).
- 6.4 Paragraph 58 of the NPPF provides a set of design criteria against which proposals for development should be assessed. It is considered that the proposed extension has been well designed and performs positively against these criteria. The use of a twin ridged and hipped roof with valley has served to reflect the existing roof form of the property whilst maintaining a subservience of the extension relative to the main house. Furthermore, a considerable area of rear amenity space would remain within the curtilage of the dwelling, and due to the separation of 4 Cellini Walk from 3 Cellini Walk (the dwelling located to the west) by intervening garages and a small area of landscaping, it is considered that the extension would not result in a cramped appearance within this section of Kings Hill.
- 6.5 Again, as a result of distance between the application site and 3 Cellini Walk together with the positioning of the intervening garages, it is not considered that the proposed extension will cause material harm to the living conditions which the occupiers of this neighbouring property can expect to enjoy by means of overlooking or overshadowing.
- 6.6 The proposed extension would be located to the south of 10 and 11 Oslin Walk. Concern has been expressed by the occupiers of these properties as to the effect of the proposed extension on their living conditions, particularly by means of overshadowing to the frontage of these houses and a loss of a view. There are two windows within the ground floors of both 10 and 11 Oslin Walk. The more westerly ground floor window to 11 Oslin Walk (i.e. the window closest to the rear of 4 Cellini Walk) appears to be to a study, whilst the ground floor windows to 10 Oslin Walk are to a dining room and kitchen.
- 6.7 The application site is located to the south of these dwellings: in the afternoon the sun will be positioned so as to create some shadowing to the north and north-east. However, given the distance of the proposed extension from 10 and 11 Oslin Walk, together with the lower ridge height of the proposed extension relative to the ridge of the existing house, it is considered that any shadowing will be largely restricted to the curtilage of the application site and will not result in material harm to the living conditions which the occupiers of 10 and 11 Oslin Walk can expect to enjoy by reason of overshadowing of windows to habitable rooms. Similarly, it is also considered that due to the design and height of the proposed extension and the distances to the frontages of 10 and 11 Oslin Walk, (about 21m at the closest

point) the proposal will not result in a material loss of outlook from these windows. It is well established that there is no private right of view that the planning system should protect.

- 6.8 There are no windows proposed in the northerly flank of the extension and because of its height above internal floor level, the rooflight in the northern roof plane should not facilitate views of 10 and 11 Oslin Walk. I therefore consider that the proposal would not result in the overlooking of this property. Given the requirements of the General Permitted Development Order that any subsequent and further flank windows or rooflights shall be obscure glazed and fixed shut if not high-level openings, I do not consider that it is necessary to remove permitted development rights for subsequent alterations to the extension.
- 6.9 The proposed extension would be within relatively close proximity to 5 Cellini Walk. However, due to its positioning to the north of this dwelling, the extension will not bring about any overshadowing of this property, including the existing rear extension. There are no principal windows within the northern flank of 5 Cellini Walk, and the properties are separated by a 1.8m high close boarded fence. Having carefully observed the relationship between the two dwellings, I am of the opinion that the proposed extension would not result in material harm to the living conditions which the occupier of this neighbouring dwelling can expect to enjoy by reason of loss of privacy, and for the reasons detailed in the previous paragraph I do not consider that it would be justified to remove permitted development rights for the subsequent insertion of windows in the southerly flank of the extension proposed.
- 6.10 There are 4 no. spaces available for the parking of cars at the garage and spaces to the rear of the house. The proposal will result in the increase in the size of two existing bedrooms, rather than the provision of additional bedrooms. Given the level of parking available at the property and the fact that the development would not increase the parking requirement at the site, the proposal accordingly is considered to accord with MDE DPD Policy SQ8.
- 6.11 The application site comprises a relatively large plot within this part of Kings Hill. Whilst the extension is of considerable size, due to its design and relationship with neighbouring properties it is considered that the proposal will have an acceptable impact on the character of the building and on the area generally and any effect on the living conditions which the occupiers of neighbouring properties can expect to enjoy would also be acceptable. As such, the development is considered to accord with the policies of the adopted Development Plan and national planning policy.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following details: Validation Checklist dated 08.03.2012, Existing Plans 4-CELLINI-WALK-01 Rev A dated 08.03.2012, Existing Elevations 4-CELLINI-WALK-02 Rev A dated 08.03.2012, Proposed Plans 4-CELLINI-WALK-03 Rev A dated 08.03.2012, Proposed Elevations 4-CELLINI-WALK-04 Rev A dated 08.03.2012, 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 development hereby permitted shall be undertaken in accordance with the plans and supporting documents listed above.

Reason: To ensure that the development does not harm the existing character of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document, saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

3. The materials to be used externally shall match those of the existing building.

Reason: To ensure that the development does not harm the existing character of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document, saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

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