

**East Peckham**                      **566581 148726**    **29 March 2012**                      **TM/12/00922/FL**  
East Peckham And  
Golden Green

Proposal:                      Provision of single storey extension to provide office  
Location:                      62 Pound Road East Peckham Tonbridge Kent TN12 5BH  
Applicant:                      Mr Ingrid Cohen

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**1. Description:**

- 1.1 This is a retrospective application for the erection of a single storey rear extension to the existing garage at 62 Pound Road, East Peckham. The addition is some 4.1m in length, 2.9m in width and between 2.8m and 3.4m in height due to the varying external ground levels. The extension has a flat roof and is 1m greater in height than the existing flat roof garage which results in it being visible from the front of the property. The resulting difference in height levels between the existing garage and the extension is due to the fact that the new addition has a higher internal floor level than the garage and a floor to ceiling height of 2.74m (scaled from the submitted plan).
- 1.2 The extension is comprised of a brick base with the remainder clad in timber weatherboard that is fairly light in colour, with the exception of the west elevation which is clad with cement based feather edged board fireproofing material. There are 2 high level windows on the front elevation and additional windows on the rear and the side elevation that faces into the garden.
- 1.3 The addition is complete externally and partially complete internally.

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

- 2.1 There are implications for enforcement action should this application be refused.

**3. The Site:**

- 3.1 The application site is comprised of a semi-detached house located on the northern side of Pound Road. The property has a single storey flat roof extension to the side that incorporates a brick faced garage. There is a driveway to the front and a small garden to the rear.
- 3.2 The surrounding area is residential in character and features a variety of housing styles. The neighbouring property to the west is of a different architectural style to the application property and is also set on a slightly higher ground level.

**4. Planning History:**

TM/96/01105/FL      Grant With Conditions      19 November 1996

Single storey kitchen extension

**5. Consultees:**

5.1 PC: No objection.

5.2 Private Reps (6/0X/0R/0S) + Art 13 site notice: No responses received.

**6. Determining Issues:**

- 6.1 Of relevance to the assessment of this application is saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan which sets out the required standards for residential extensions. Proposals should not detract from the amenities of neighbouring householders and should not result in an adverse impact upon the character of the building or street scene. Policy CP24 of the Tonbridge and Malling Core Strategy requires a high standard of design in all developments. In addition, Policy SQ1 of the MDEDPD states that proposals for new development should protect, conserve and where possible, enhance the character and local distinctiveness of the area and the distinctive setting of, and relationship between, the pattern of settlement, roads and landscape, urban form and important views.
- 6.2 In consideration of the above, the key issues in the assessment of this application are the design of the extension and its impact upon the street scene together with any potential impacts upon neighbouring householders. As noted above, the proposal has already been largely completed due to the fact that the applicant was unaware that planning permission would be required for this addition. This application is the result of an investigation by the Council's enforcement team.
- 6.3 In its present form, the extension is greater in height than the existing garage to which it is appended and as such, it is notably visible from the front of the property. Its presence is further accentuated by the fact that it is comprised of different materials to the existing garage and house, ie timber cladding as opposed to brick faced. In essence, this addition appears at odds with the intrinsic design and appearance of the existing dwelling to the extent that it is incongruous and out of character. It detracts from the overall appearance of the property and is unduly prominent in the general street scene. In my opinion, this proposal does not reflect the requirements of the policies and guidelines set out above.
- 6.4 In terms of neighbouring householders, the dwelling adjacent to the application site is set on a slightly higher ground level. Along the side elevation of the neighbouring house at ground floor level, there is a door that appears to relate to

the kitchen and there is also an obscure glazed window. Given these circumstances, I am satisfied that the proposal does not compromise the amenities of the neighbouring householder to an unacceptable degree.

- 6.5 The concerns set out within this report were outlined to the applicant during site visits and subsequently when it was suggested that the height of the extension could be reduced if the floor level were lowered. This would also see the loss of the windows on the front elevation and it was also suggested that the use of a roof light could compensate for this. Building Regulations do not require the floor level of the extension to be higher than the existing garage nor the generous internal height. The applicant has asked that the application be determined as it presently stands in order that an appeal can be progressed.
- 6.6 If Members agree with my recommendation that planning permission be refused, it will also be necessary to consider the expediency of taking appropriate enforcement action. In my opinion, the degree of harm caused by this unacceptable development is such that enforcement action is appropriate, however the harm is specifically caused by the height and appearance of the extension, relative to the garage to the front. This harm could be alleviated by reducing the height of the extension, and an Enforcement Notice to that end is recommended.

## **7. Recommendation:**

- 7.1 **Refuse Planning Permission** in accordance with the following submitted details: Site Plan IC/SP/1 dated 29.03.2012, Location Plan IC/LP/1 dated 29.03.2012, Drawing IC/P/1 dated 29.03.2012 subject to:

### **Reasons:**

1. The design, size, scale and external appearance of the extension are out of character with the existing property and detrimental to the street scene and visual amenities of the locality. The proposal is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.
2. The materials used externally are out of character with the property and there is a resultant incongruous appearance which is detrimental to the visual amenities of the street scene. The proposal is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

7.2 An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to settle the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Notice.

### **Breach of Planning Control Alleged**

Without planning permission, the construction of a single storey extension to the rear of the garage to provide office.

### **Reasons For Issuing The Notice:**

It appears to the Council that this breach of planning control has occurred within the last 4 years. The design, size, scale and external appearance of the extension are out of character with the existing property and detrimental to the street scene and visual amenities of the locality. The proposal is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998. The materials used externally are out of character with the property and there is a resultant incongruous appearance which is detrimental to the visual amenities of the street scene. The proposal is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998. Therefore an application, reference TM/12/00922/FL, to retain the unauthorised development as it currently exists has been refused permission. The Enforcement Notice is necessary to alleviate the nuisance and detriment to amenity resulting from the unauthorised development.

### **Requirement**

Dismantle and lower the roof of the single storey extension to the rear of the garage so that the highest part of the roof is no higher than 0.300 metres above the roof of the adjoining garage at the point of abutment and 2.830 metres above ground level adjacent to the east elevation.

### **Period For Compliance**

Three calendar months from the date when the Notice takes effect.

Contact: Georgina Quinn