

horizontal bars to rear. Guttering and downpipes are to be cast aluminium in black finish. Similar stock bricks, clay tiles and rainwater goods are to be used for the garage. The rebuild of the garden wall will utilise reclaimed materials.

- 1.5 The new vehicular access will require alteration to the existing on-street lay-by parking arrangement. It is proposed that the western end of the parking lay-by be extended by about 2.6m. A street tree within this extended area is to be re-planted or replaced within the pedestrian paved area further to the west.
- 1.6 Amended plans were received on 02.08.2012 and 19.09.2012 more accurately depicting the position of the two storey side extension, providing a more complete west elevation and showing the retention of part of the wall partition within the main building.

2. Reason for reporting to Committee:

- 2.1 The proposal, if approved, will require a S106 Planning Obligation (Legal Agreement) to secure financial contributions towards the reconfiguration of the parking layby and the costs of modifying the Traffic Regulation Order.

3. The Site:

- 3.1 The application site is located on the north side of Swan Street, about 20m east of Police Station Road, in the historic centre of West Malling. It accommodates a large two storey C18 house that is a Grade II Listed Building. The building is prominent within the street-scene, set back about 2.5m from the front boundary. It is a gable ended building with chimney stacks each end, predominantly red brick with a cream render/stucco to the front elevation. A single flat roofed garage is attached to the west side of the dwelling set back about 5.2m from the front boundary. The garage also attaches to a two storey element behind it that provides a link to the first floor of the main house. This part of the building, along with a single storey annexe at the rear, forms an irregular side boundary of the site. The rear garden stretches back some 50m beyond the rear of the house. One tree in the rear garden has a crown that extends close to the rear of the house. Other thick shrubs align the east side boundary. A metal rail fence with ragstone base extends across the front boundary the width of the house, with a 2m+ high ragstone wall with bricks atop on the front boundary extending east of the rail fence. The site is within the settlement confines of West Malling, the West Malling Conservation Area (CA) and an Area of Archaeological Potential (AAP). Swan Street is a Classified Road.
- 3.2 Three two-storey Grade II Listed terraced cottages (Nos.49-53 Swan Street) lie to the west. The closest of these (No.53) has its side flank wall on the side common boundary, with one ground floor and one first floor window within its side elevation, in close proximity to the garage on the application site. The front walls of these

cottages are also built on the front boundary and so abut the back edge of the footway. The building immediately to the east of the application site (Abbey View House, No.61 Swan Street) is a very high 3-storey Grade II Listed dwelling. It has its west side flank wall on the side common boundary. The expansive grounds of St Marys Abbey lie to the south, across Swan Street.

4. Planning History:

4.1 No relevant planning history.

5. Consultees:

5.1 PC: Members expressed concern that these proposals would have an adverse impact on on-street parking. Although the aesthetic aspects were in general felt to be good, members asked that the materials used should be sympathetic to the location and agreed in consultation with the Borough Council's Conservation Officer. Members suggested that the gates ought to match the railings and that the gates should ideally be set further back from the road. Members expressed some concerns about possible impact on neighbouring properties and would hope that all interested parties have been consulted on these proposals.

5.2 KCC (Highways): It is noted that the proposal will effectively relocate an existing garage access from one side of the house to the other. This will move it to a section of lay by/on street parking, effectively reducing the amount of off street parking available to the public by one space. It is noted however that this proposal is for a double garage, potentially reducing the on-street demand by one. A similar crossover situation off the lay-by exists at no.61 and access off a lay-by carries with it a higher risk that there may be blocking. Having said that the applicant has no doubt considered this and I would not wish to object to this proposal and the Borough's own parking services may hold useful consultation information regarding both local and wider parking needs and demands. The gate is considered to be suitably placed back from the running carriageway of the highway. It is noted that the turning area is proposed in gravel finish. Whilst granite setts are proposed between the gate and footway, I would recommend that a further length of bound material/granite setts is constructed into the driveway (perhaps to the swinging length of the gates) to prevent migration of loose materials onto public areas ie. the footway and/or road. Should this application be approved the applicant will need to formally approach the highway authority for approvals regarding the new dropped kerbs/crossover. It is noted that there are a number of underground services at this point and a street light will need to be repositioned.

5.3 DHH: Several informatives recommended, relating to hours of construction works, the disposal of waste by incineration and the provision of a vapour impermeable membrane within the floor slab of the development.

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- 5.4 English Heritage: 55 Swan Street is one in a series of fine C18 and early C19 town houses on Swan Street, West Malling. In this case it is Listed at Grade II and is of five bays, with a central open-bed pedimented doorcase and double-pile floor plan, with its staircase to the rear on the right side. A central narrow hallway gives separate access to two rooms to the left of the plan divided from each other by a transverse partition. This plan form is of significance for illustrating the patterns of use of a fashionable eighteenth-century provincial household; it explains, for example, the segregation of service accommodation to the rear. The Planning Practice Guide, which remains a material consideration in determining applications affecting heritage assets, states that the plan form of a building is frequently one of its most important characteristics. Therefore, in adapting this house for modern use, we suggest that any significant aspects of the historic plan form should remain apparent, including by retaining at least part of the transverse partition between the existing dining room and kitchen, perhaps in the form of an archway, or similar. We do not wish to comment on the proposed extensions.
- 5.5 County Archaeologist: The site lies within the historic core of West Malling. This settlement is considered to have been an early medieval market town which developed around the early medieval abbey complex. This site is very close to the Abbey and would have been at the very centre of the early medieval community. Remains associated with medieval or later activity may be revealed during groundworks and it would be appropriate for an archaeologist to maintain a watching brief.
- 5.6 Private Reps: 18/0X/0S/2R + site notice and LB/CA press notice. Objections raised for the following reasons:
- The street tree should not be allowed to be removed. The two street trees along this stretch are beneficial to the local environment. The proposed splays would not be aesthetically pleasing. There are other examples in West Malling of new vehicle accesses with limited sightlines and these do not seem to cause safety problems.
 - The new two storey side extension would:
 - block light to the side windows of no.53 resulting in a loss of light to the upstairs and downstairs rooms;
 - partially block the upstairs window and would restrict the window casement opening fully;
 - obstruct views that have been in existence for hundreds of years resulting in a loss of outlook;
 - result in a loss of privacy due to the close proximity of the new windows to the side windows. The occupants of the new extension would be able to look straight into the ground floor room and first floor bedroom;
 - break the 45 degree rule.
 - The demolition of the garage may damage the neighbouring property.

6. Determining Issues:

- 6.1 The main issues are the effect of the proposals on the appearance of the Grade II Listed Building, the character and visual amenity of the CA, neighbouring amenity and on road safety.
- 6.2 The Council's records indicate that the listed building is a two-storey C18 house with attic, built of red brick on a deep stone plinth. The front is stuccoed with end quoins and roof is tiled with end brick chimneystacks. The roof has 2 hipped dormers with 6-pane sashes and five 12-pane sashes. It has a central open pediment door-case with semi-circular fanlight, panelled reveals and 6-panelled door. The right side elevation is partially tile-hung. The forecourt wall is about 0.7m high with iron spear railings and urn finials.
- 6.3 I am of the view that the extensions have been designed to be respectful of the form and character of the main Listed Building. The side extension replaces an unsympathetic flat roofed garage, providing a new element that is appropriately subservient in its relationship with the main building. Its face will align with the rear edge of the exterior chimney breast and provide a much lower eaves and ridge than the main building. The window fenestration and use of exterior materials and detailing will be respectful to the distinct character of the main dwelling. The rear two storey extension will essentially infill the rear northeast corner and will, in my view, improve the form and appearance of this part of the building. The flat roofed single storey extension that links the rear of the main house with the annexe provides a simple roof line that would not disrupt the established form of the Listed Building. Overall, in my opinion, these extensions would preserve the character and appearance of the Listed Building.
- 6.4 English Heritage has advised that, in adapting the house for modern use, it is suggested that any significant aspects of the historic plan form should remain. In this case it recommends that at least part of the transverse partition between the existing dining room and kitchen be retained. The applicant has submitted an amended floor plan showing the retention of part of the existing partition, which is considered to satisfactorily address the concerns of English Heritage.
- 6.5 The new garage is located well into the site, some 15m from the front boundary. I consider its size and scale to be appropriate for its setting and its appearance would complement the dwelling. It is sited 900mm from the eastern side boundary and adjacent to the neighbouring building which is of a substantial 2 and 3 storey scale on the boundary.
- 6.6 A new vehicle access is proposed just to the east of the dwelling. This will require the removal of the front boundary ragstone wall, which will be partially rebuilt about 1.9m back from the front boundary to the east of the new access/driveway. The existing low level wall and railing fence will be mostly retained, but altered to provide a visibility splay at its east end and extended to the west to enclose the

area that is currently a driveway within the front southwest corner of the site. The entrance to the driveway is to be surfaced with granite setts with new gates being positioned 2.2m back from the front of the site. Pedestrian visibility splays of 2m x 2m are provided. I am mindful that the new vehicle access and removal of the ragstone wall will alter the established visual appearance along the front of the application site; however, I consider that the new proposals, with the rebuilding of a large part of the wall, enclosing of the eastern section of the frontage, and the quality of the finishes, would preserve or enhance the character and appearance of the CA and would not harm the setting of the Listed Building, satisfying Section 72 of the Planning (Listed Building and Conservations Areas) Act 1990 and paragraphs 121 and 132 of the NPPF .

- 6.7 The new access, proposed visibility splays and revised on-street parking arrangements have been reviewed by the highway authority (Kent Highway Services). No objection is raised. Although one on-street parking space will potentially be lost (but see below regarding proposed replacement provision), this is balanced by the provision of a garage for the parking of two vehicles off-street. It is also suggested that a further depth of granite setts, or similar, be added beyond the gates to limit spill of gravel onto the highway. Conditions can be imposed to ensure that this on-site parking is provided and reserved for car parking.
- 6.8 The development proposes alterations to the lay-by on-street parking arrangement in front of the site. It is proposed that the lay-by area be extended to the west to compensate for the loss of existing lay-by area resulting from the new access. This is considered to be an acceptable proposition. These alterations though will require a modification to the Council's Traffic Regulation Order (TRO) and I suggest that it would be appropriate for the Borough Council to take on the repositioning for implementing the works to our specification given the location and sensitivity within this historic part of the settlement. In order to ensure that the cost of the works to amend the on-street parking arrangement and to administer the modifications to the TRO are met by the applicant, it is considered necessary that any granting of permission for the proposed development would be subject to the applicant entering into a S106 agreement with the Council for agreed financial contributions.
- 6.9 Objection has been raised in respect to the proposed removal of the existing street tree. I am mindful that this tree is semi-mature and provides a good level of visual amenity to the area. However, I consider that a suitable replacement tree of a generous size would satisfactorily compensate for the loss of the existing tree and would, in my view, retain an acceptable level of visual amenity. This would be implemented at the same time as the works to the on-street parking arrangement.
- 6.10 The two storey side extension will be built on the footprint of the existing garage which is to be demolished but is to be set back a further 500mm from the street alignment. The neighbouring terraced cottage to the west (no.53) has its two

storey side flank wall on the common boundary and has a ground floor window to a living room and first floor window to a bedroom within this side flank. The occupiers have objected to the extension stating that it will result in a loss of light to the rooms, affect outlook from the windows, result in direct overlooking into these rooms and will hinder full opening of the casements. These windows currently look out over tarmac, the roof of the garage and the blank side wall of the application dwelling. In my opinion, the siting and appearance of the new extension would not worsen this outlook. Although there may be some restriction to the neighbour's first floor window being opened fully, I do not consider this to be detrimental to this neighbour's living conditions. The new ground and first floor windows within the extension, although close to the neighbouring windows, would afford direct views to the street. Any views sideways would be very acute. As a result, in my opinion, they would not afford ready views in everyday use into the neighbouring windows. Similarly, views into the windows of the extension from the neighbouring dwelling would also be restricted. As such, I do not consider that the development would result in a detrimentally harmful impact on the privacy of the occupants of no.53 Swan Street, or of the occupiers of the application dwelling.

- 6.11 It should be noted that the 45 degree rule as outlined in paragraph 16 of Policy Annex PA4/12, referred to by the occupants of no.53 in their objection, only applies to rear extensions and not side flanks where outlook is traditionally limited.
- 6.12 I do not consider that the extensions at the rear of the main building, or the works proposed to the front of the site, would affect neighbouring amenities.
- 6.13 The County Archaeologist has advised that the site lies within the historic core of West Malling. This settlement is considered to have been an early medieval market town developed around the early medieval abbey complex. The application site is very close to the Abbey and would have been at the very centre of the early medieval community. Remains associated with medieval or later activity may be revealed during groundworks and it would be appropriate for an archaeologist to maintain a watching brief. A condition has thus been added to this regard.
- 6.14 In light of the above, I consider that the proposals accord with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

7. Recommendation:

- 7.1 Subject to the applicant entering into a S106 Planning Obligation in respect of financial contributions towards the following matters:
- Realignment of lay-by and replace street tree
 - Modification of Traffic Regulation Order (TRO)

(A) TM/12/01302/FL:

7.2 **Grant Planning Permission** in accordance with the following submitted details: Existing Elevations 2563/5 dated 23.04.2012, Survey 2563/SURVEY dated 23.04.2012, Site Plan 2563/6 dated 23.04.2012, Letter dated 23.04.2012, Design and Access Statement dated 23.04.2012, Letter dated 19.09.2012, Proposed Plans and Elevations 2563/3 C dated 19.09.2012, Letter dated 02.07.2012, Proposed Plans and Elevations 2563/4 C dated 02.08.2012, Letter dated 02.08.2012, and 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. (Z013)

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 The access hereby permitted shall not be brought into use until the alterations to the parking lay-by and the replacement of the street tree as detailed in the Design and Access Statement have been completed.

Reason: To facilitate the timely completion of the alterations to the on-street parking environment so that the development does not harm the character, appearance and visual amenity of the locality 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 and paragraphs 57, 58, 61 and 128-132 of the National Planning Policy Framework (2012).

- 3 No development shall take place until a schedule of all materials to be used externally in the construction of the development and relevant product information has been submitted to and approved by the Local Planning Authority, and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the existing building 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 and paragraphs 57, 58, 61 and 128-132 of the National Planning Policy Framework (2012).

- 4 The development shall not be occupied until the garage has been erected and the driveway and turning areas, as shown on the plans hereby approved, have been provided, surfaced and drained within the site. Thereafter these areas shall be kept available for vehicle parking 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: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking, in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

- 5 Notwithstanding the gravel hard surfacing shown on the site layout plan (drawing 2563 3B) hereby approved, the area of granite setts shown on this plan shall be extended a further 1.5m into the property beyond the gates.

Reason: To minimise loose gravel spilling onto the highway that may impact upon levels of highway safety in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

- 6 The access shall not be brought into use until the vision splays shown on the plans hereby approved have been provided. The area of land within these vision splays shall be clear of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: To ensure no adverse impact upon levels of highway safety in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

- 7 No development shall take place until details of plantings in front of the rebuilt wall have been submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved details shall be implemented during the first planting season following occupation of the development 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.

Reason: To ensure that the development does not harm the character of the existing building or the character and appearance of the Conservation 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 and paragraphs 57, 58, 61 and 128-132 of the National Planning Policy Framework (2012).

- 8 The boundary fences, walls or similar structures hereby approved shall be erected prior to the new access being brought into use.

Reason: To ensure that the development does not harm the character of the existing building or the character and appearance of the Conservation 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 and paragraphs 57, 58, 61 and 128-132 of the National Planning Policy Framework (2012).

- 9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and in accordance with Section 12 of the National Planning Policy Framework 2012.

Informatives

1. Prior to the commencement of the development, consideration should be given for the incorporation of a vapour impermeable membrane within the floor slab of the development. Any services entering/leaving the structure should be located either above the vapour impermeable membrane or sealed with appropriate top hat and tape to current guidelines.
2. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
3. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
4. With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.
5. During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours – 18:00 hours. On Saturday 08:00 hours to 13:00 hours, with no work on Sundays or Public Holidays.

The applicant should be aware that the disposal of demolition waste by incineration is contrary to Waste Management legislation. For guidance relating to the disposal of demolition and other on-site waste, you are advised to contact

the Director of Health & Housing, Tonbridge and Malling Borough Council,
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel:
(01732) 844522.

(B) TM/12/01303/LB:

7.3 **Grant Listed Building Consent** in accordance with the following submitted details: Proposed Plans and Elevations 2563/3 C dated 19.09.2012, Letter dated 02.07.2012, Existing Elevations 2563/5 dated 23.04.2012, Survey 2563/SURVEY dated 23.04.2012, Site Plan 2563/6 dated 23.04.2012, Design and Access Statement dated 23.04.2012, Proposed Plans and Elevations 2563/4 C dated 02.08.2012, Letter dated 02.08.2012, Letter dated 19.09.2012, and subject to the following conditions:

- 1 The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 No development shall take place until details of joinery, eaves and rainwater goods to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development preserves the Listed Building and the features of special architectural or historic interest which it possesses and the requirements of paragraphs 131 and 132 of the National Planning Policy Framework (2012).

- 3 The standard of workmanship achieved in the carrying out of the development shall conform to the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent).

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

Contact: Mark Fewster

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 31 October 2012

West Malling (A) TM/12/01302/FL
West Malling And (B) TM/12/01303/LB
Leybourne

(A) Demolition of existing garage, erection of two storey side extension and single storey rear extension, lightwells to basement, formation of new vehicular access (including alterations to railings and demolition and rebuild of front wall), and erection of double garage; (B) Listed Building Application: Demolition of existing garage, erection of two storey side extension and single storey rear extension, lightwells to basement, formation of new vehicular access (including alterations to railings and demolition and rebuild of front wall) at 55 Swan Street West Malling Kent ME19 6LW for Mr John Ariel

Private representations: A further letter of representation has been received from Tetlow King Planning, on behalf of Mr and Mrs Mullarkey who are the occupiers of 53 Swan Street, adjoining the application site to the west.

In summary, the letter contests the report a number of aspects of the development relating to the two-storey side extension, including loss of light, outlook and privacy, restriction to the opening of the first floor window and impact on the listed building. Comment was made disputing the reference of the 45 degree rule outlined in Saved Policy Annex P4/12 of the Local Plan to rear extensions only. In respect to the listed building, it has been stated that the removing of the gap between the main dwelling and No.53 would affect the significance of the listed building.

DPTL: A sunlight/daylight test has been carried out to the first floor flank window which indicates that there is no impact at all on sunlight from the extension. This is due to the window being east facing and set 3.5m opposite from the flank of a 2 storey house.

The position of this window relative to the existing house at no 55 also means that daylight test is passed. Daylight will reduce from 20% to 16%. This is a 0.8 reduction which is judged by the BRE to be imperceptible.

In terms of the ground floor window, this faces a 2 storey flank of a house at a distance of 3.5m and is also set perpendicular to the front of the garage of no, 55. Its daylight and sunlight will be poorer than the first floor windows and proportionately less harmed by the extension.

In terms of the outlook and privacy of the occupiers of No.53 Swan Street, the extension is setback from the windows such that they would not be directly adjacent to them. In light of the limited outlook that exists, the outlook would not be worsened in this case. The plans are adequate to make a judgement that the angles of view from these windows to and from the proposed extension would be acute such that privacy would not be demonstrably harmed.

I remain of the view that the restriction to the opening of the first floor window would not be so great as to warrant refusal of the application, and that although it would not be able to extend right around to the side face of the dwelling, it would provide an opening that would in normal use be sufficiently generous such that it would not harm the living conditions of the occupants of the room.

It should be noted that within the preamble to section 16 of this policy it is explicit in making reference to rear extensions. Notwithstanding this, the opinion that the extension will not demonstrably harm character of the building and the residential amenity of No.53 is maintained.

It should be noted that the views of the Council's Conservation Officer within the Directorate have been taken on board in the assessment of the proposal overall and there is no necessity to outline these views separately. The view is held that such a gap would not be critical to the significance of the listed building given the tight historic built form on the site already and within the immediate centre location within the settlement.

MY RECOMMENDATION REMAINS UNCHANGED