
Report of 31 October 2012

**Ryarsh
Downs****566951 159838 6 August 2012****TM/12/02341/FL**

Proposal: Ground floor extension to form enlarged dining and hall amendments to existing car parking and front boundary

Location: Stoned Lodge The Street Ryarsh West Malling Kent ME19 5LL

Applicant: Mr P Cheeseman

1. Description:

- 1.1 The application is for a single storey front extension to the property. The extension will extend across the whole of the front elevation and the roof pitch will extend off the main chalet style roof. The extension will project 2 metres from the existing front elevation. The extension will provide an enlarged hall and living room. The existing integral garage will remain in the same position with the garage door recessed under a canopy; this element remains the same distance from the highway as existing. This distance of 7 metres, stated on the plans, has been previously verified on site visits by Council officers.
- 1.2 The front garden will be rearranged to provide 3 on-site car parking spaces and a new hedge planted along the front boundary.
- 1.3 This application follows an informal consultation in response to a number of previous refusals for planning permission for a two storey extension at the front of the property (see history below).
- 1.4 Since the original submission of this application, amended plans have been submitted that clarify a site boundary on the proposed ground floor plan. No other changes have been proposed and this revision does not change the substance of the proposal.
- 1.5 The applicant has, more recently, also submitted additional comments and a photograph to address some of the comments raised in some of the local representations. This is submitted in support of the application. The photograph shows before and after images with the extension superimposed. Further comments are summarised as follows:
 - No decorative features of 1 Rose Cottages will be obscured by the extension.
 - The extension extends the existing roofline that already extends 0.7m at the front of the house.
 - The flank elevation of 1 Rose Cottages will not lose any sunlight or be overshadowed by the proposal.

- I do not consider it reasonable to keep our front garden clear to maintain a view.
- The Council confirmed in their report of TM/11/03200/FL that a single storey extension would not result in any substantial additional loss of daylight to the window in 1 Rose Cottages.
- Off street parking capacity at Stoned Lodge will not be altered.
- There is room to park three cars on the drive and one in the garage.
- The additional crossover is 3m, less than 1 car space.
- A larger crossover will not affect the safety for pedestrians.
- Parking and highway safety was found to acceptable in response to TM/11/03200/FL.
- The small loss of green space in the front garden will be off-set by other improvements to the front garden area i.e. new fence, hedge, additional planting and block paved drive.
- A modern house in a conservation area is not unacceptable.

1.6 Any new representations submitted in response to these additional comments will be reported to Members in a supplementary planning report.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Balfour, due to local concerns.

3. The Site:

3.1 The application site is located on the south side of The Street, about 50m to the southwest of Old School Lane, in Ryarsh. The site is also situated within the Conservation Area and Area of Outstanding Natural Beauty. The site is sited centrally within the village and the area in general has a rural character.

3.2 The property is a two storey detached property with a front and rear garden. It is rendered and painted white and has previously been extended to the rear. The property currently has 4 bedrooms and an integral garage. There are 2 car parking spaces in the front garden area.

3.3 There are other properties to all boundaries of the dwelling, of varying styles and ages. Adjacent and opposite the property, on The Street, are more traditional and historic buildings with the building to the eastern boundary being Grade II Listed. No. 1 Rose Cottages adjoins the western boundary and has a ground floor side elevation window facing towards the proposal.

4. Planning History:

TM/01/01673/FL Grant With Conditions 24 September 2001

Internal alterations and extension

TM/70/11032/OLD grant with conditions 24 June 1970

Outline application for two detached dwellings, garages and access.

TM/10/02085/FL Application Withdrawn 11 October 2010

Two storey extension to front of property

TM/11/01420/FL Refuse
Appeal Dismissed 1 November 2011
17 January 2012

Two storey front extension

TM/11/03200/FL Refuse 27 January 2012

Single storey front extension with balcony above

5. Consultees:

5.1 PC: Ryarsh Parish Council objects to this application.

5.1.1 There have been two previous applications to extend Stoned Lodge, both of which have been refused by Tonbridge & Malling Borough Council. Application TM/11/01420 was further appealed, and dismissed by The Planning Inspectorate. The Parish Council objected to both previous planning applications, and those reasons for objection are still relevant in this new application.

5.1.2 As stated in previous applications, 1 Rose Cottages was built with a separate kitchen and dining room. There is one small window to the kitchen, and a window at the side of the property in the dining room. The partition wall has been knocked through to create a kitchen diner. Rose Cottages would suffer from a severe reduction in light if this extension were to go ahead. The window at the side of their property in the dining room is a primary window. This is already a dark property, and would become even darker if that remaining natural light were extinguished. In the Appeal Decision of 17 January 2012, the Inspector stated that "The room as a

whole has limited daylight because of the proximity of Stoned Lodge" and "I consider that the larger side window is a principal window in the kitchen/dining area". Those comments are still relevant and apply to this application for an extension.

- 5.1.3 Stoned Lodge is situated within a Conservation Area. The Parish Council believes this extension would be out of character for a Conservation Area and would affect the street scene detrimentally. 1 Rose Cottages has an interesting view from the downstairs dining room window. They can see down The Street to the Duke of Wellington pub. That view would be taken away if this extension were to go ahead. Similarly, the window can be seen from The Street and from The Duke of Wellington pub. The historic street scene and view from The Street travelling through the village would be changed detrimentally by this extension. 1 Rose Cottages has decorative features which form part of the character of the village and enhance the village environment, and these would be lost by the extension. The Parish Council also does not believe the extension as designed would aesthetically fit in with a Conservation Area.
- 5.1.4 Parking is a serious problem within the village, with off road parking at a premium, and not available to many residents. The parking available outside Stoned Lodge is well utilised by villagers. The Parish Council would want to make sure that any proposal did not restrict the availability of this parking for other residents. Stoned Lodge is a large property, and in future could be occupied by more people with more cars and therefore their own off road parking must be preserved and not reduced in any way.
- 5.1.5 The Parish Council, and the Tonbridge & Malling Planning Department, are aware of a further application for development in The Street which has been lodged but not yet issued. This application would be for more building almost opposite Stoned Lodge, involving more cars and increased parking issues. Without having seen the plans, the Parish Council cannot comment further, but parking remains a fundamental problem and something which must be given careful consideration within the village.
- 5.1.6 The Parish Council has also heard concerns that the measurements for the extension as shown in the application may not be accurate, and we would ask the Planning Department to establish that the figures for the extension and the size of the land are correct. This was raised as a concern in a previous application for Stoned Lodge.
- 5.1.7 The Parish Council have expressed concern at the unhappiness and unpleasantness caused by both previous planning applications and this further application to neighbours of Stoned Lodge. The strength of feeling among the neighbours who have made representations to the Parish Council are such that if this application were approved it would cause great upset and distress within the village community and damage the quality of life of neighbours.

Comments following amended plans:

5.1.8 The Parish Council has no further comments to make and its original concerns still stand.

5.2 Private Reps: (14/8R/0X/0S) Site and CA Press Notices. Eight letters have been received objecting to the proposed development. Objections have been received on the following grounds:

- Plans are inaccurate, 3 car parking spaces cannot be provided on this site after the extension.
- Too much building work in the area.
- No further extensions should be allowed to this property.
- The change in roof pitch will result in a lean to type of extension to the detriment of the property and village.
- The extension is of poor architectural merit and should not be allowed in a Conservation Area.
- Detrimental visual impact on the village and Conservation Area.
- The building is already out of character in the street scene and this proposal will harm this further and views of other buildings.
- Proposed will not enhance or preserve the character of the Conservation Area and in terms of its scale, form, design and materials is out of character with the buildings and street scene.
- The extension would affect the setting of the adjacent Listed Building and street scene.
- Green space in the front garden will be lost.
- Overdevelopment of the site.
- Loss of view and light to a principal window and an unacceptable loss of living conditions.
- Impact on neighbouring residential property and their amenities.
- The proposed accommodation does not justify the overall detrimental impact.
- More congestion and hazards on the highway and safety.

- There will be insufficient space for on-site car parking.
- Further unacceptable pressure on on-street car parking.
- Loss of on-street car parking spaces due to enlarged access.

6. Determining Issues:

- 6.1 The following policies are considered to be the most relevant to the assessment of the proposed development:

Tonbridge and Malling Borough Local Plan 1998 (TMBLP)

Saved policy P4/12: Residential Extensions

Tonbridge and Malling Borough Core Strategy 2007 (TMBCS)

CP1: Sustainable Development

CP7: Areas of Outstanding Natural Beauty

CP13: Other Rural Settlements

CP24: Achieving a High Quality Environment

Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 (MDE DPD)

SQ1: Landscape and Townscape Protection and Enhancement

SQ8: Road Safety

National Guidance in the National Planning Policy Framework (NPPF)

Paragraphs: 61, 64, 129 and 132

- 6.2 Policy CP1 requires new development to result in a high quality sustainable environment and policy CP24 requires development proposals to be of a high quality and be well designed to respect the site and surroundings in terms of its scale, layout, siting, character and appearance.
- 6.3 Saved policy P4/12 of the TMBLP and policy SQ1 of the MDE DPD also require development to respect the residential amenities of neighbouring properties and to protect, conserve and, where possible, enhance the character and local distinctiveness of the area.

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- 6.4 Policy SQ8 of the MDE DPD requires new development to have no detrimental effect on highway safety and provide appropriate on-site car parking.
- 6.5 The main issues are the effect of the proposed extension on the appearance of the dwelling, Conservation Area and on neighbouring amenity.
- 6.6 An application for a 2 storey extension to the front was refused on 1 November 2011 (TM/11/01420/FL), with an appeal being dismissed by the Planning Inspectorate on 12 January 2012. The Inspector concluded that the proposal would detrimentally affect the street scene and would not preserve or enhance the character of the Conservation Area due to its size, bulk and design. It was also concluded that the extension would result in an additional and unacceptable reduction in daylight to the kitchen/dining room window of No. 1 Rose Cottages.
- 6.7 A further application for a smaller two storey front extension was also refused (TM/11/03200/FL) on similar grounds on 27 January 2012.
- 6.8 The current proposal now submitted for consideration puts forward a revised front extension, being only single storey in height and with a sloping roof that, in effect, continues the slope of the roof of the main house. The proposed front extension now extends across the whole width of the front elevation and projects by 2 metres. However, the integral garage (including the garage door) is to be retained in the same position as existing, with a proposed roof canopy over the front.
- 6.9 In terms of the design of the proposed extension, this is entirely in keeping with the design of the existing property, with materials to match the existing and a roof pitch that is slightly shallower than the existing in order to give an acceptable eaves height to the front elevation. On this basis, the design of the proposed extension is acceptable as it is in keeping with the existing property and complies with policies CP1 and CP24 of the TMBCS, policy SQ1 of the MDE DPD and saved policy P4/12. In addition the proposal also complies with paragraphs 61 and 64 of the NPPF that relate to the design considerations of new developments.
- 6.10 I also find the proposed single storey extension acceptable in terms of its impact on the character of the street scene and Conservation Area. The proposal will not have a detrimental effect on the Conservation Area and will preserve the existing character and appearance due to its limited size and scale. The proposed extension therefore complies with the relevant test for development within a Conservation Area. The application therefore complies with Paragraphs 129 and 132 of the NPPF and the statutory requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.11 In terms of the impact on the adjoining residential property, 1 Rose Cottages, and its side elevation dining room window, this is now of limited weight. This is due to the proposed extension being only single storey, the maintenance of the existing roof pitch and the resulting eaves height being only 2.1 metres. The proposed roof pitch extends off the main roof and therefore is restricted in its height. For these

reasons, I consider the impact on the loss of sunlight or daylight to this window is limited and will not result in any material loss of amenities. The application is therefore acceptable and complies with policies CP1 and CP24 of the TMBCS and saved policy P4/12 of the TMBLP. For clarification, a view from a window or the loss of a view is not a material planning consideration. I also have in mind that a fence up to 2m in height could be erected on the boundary, or within the curtilage, under permitted development rights.

- 6.12 In respect of car parking and highway issues, Kent Highway Services has previously had no objections to the revised car parking and access arrangements and therefore I do not consider that the development would be harmful in this regard. The proposal results in 3 on-site car parking spaces plus the existing garage. The recessed garage door and overhang ensure that the depth provided to the front of the garage would be more than sufficient to accommodate a car (7 metres) and two further vehicles can also be accommodated on site. It should be noted that for a 4 bedroom house the maximum car parking standards that could be requested would be up to 3 on-site car parking spaces, excluding the existing garage.
- 6.13 It is not considered that the increased width of the crossover and vehicular access result in any highway safety issues and this will have a limited impact on on-street car parking.
- 6.14 Consequently, there are no highway safety issues and the level of on-site car parking is acceptable and meets recognised standards. The development therefore complies with policies CP1 and CP24 of the TMBCS and policy SQ8 of the MDE DPD.
- 6.15 The impact of the additional hard landscaping is minimised by the proposed hedge along the front boundary of the property that will improve the visual appearance of the front garden in the street scene. The front garden will also be improved with block paving and additional planting. I do not consider that the proposed changes to the front garden will have a detrimental impact on the character and appearance of the Conservation Area or street scene as the existing landscaping is of limited merit. It is suggested that these details are all controlled by a landscaping condition.
- 6.16 This application is therefore recommended for approval, as it complies with local and national planning policies, subject to conditions in respect of materials, no windows to be inserted on the flank elevations, landscaping and surfacing materials to be submitted for approval and the retention of car parking spaces.

7. Recommendation:**7.1 Grant Planning Permission**, in accordance with the following submitted details:

Existing Plans and Elevations 2087/1/A dated 24.07.2012, Proposed Plans and Elevations 2087/3/G dated 19.09.2012, Email dated 28.06.2012, Letter dated 24.07.2012, Letter dated 24.07.2012, Validation Checklist dated 24.07.2012, Design and Access Statement dated 06.08.2012, Supporting information dated 04.10.12, subject to:

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. All materials used externally shall match those of the existing building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality. In accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraph 61 of the National Planning Policy Framework 2012.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the flank elevations of the building 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 amenity and privacy of adjoining property. In accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010. In addition paragraph 61 of the National Planning Policy Framework 2012.

4. The extension shall not be occupied until the area shown on the submitted layout as three vehicle parking spaces 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 and 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 or garaging of vehicles is likely to lead to hazardous on street parking.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft 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. In accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraph 61 of the National Planning Policy Framework 2012.

Contact: Lucinda Green

SUPPLEMENTARY REPORTS**AREA 2 PLANNING COMMITTEE****DATED 31 October 2012**

**Ryarsh
Downs****TM/12/02341/FL****Ground floor extension to form enlarged dining and hall amendments to existing car parking and front boundary at Stoned Lodge The Street Ryarsh West Malling Kent ME19 5LL for Mr P Cheeseman**

PC: Ryarsh Parish Council notes that the photographs submitted by the applicant are taken from the very boundary edge somewhere close to the bus timetable notice. This does not give an accurate reflection of the street scene and views.

Photos were submitted in respect of the first application for Stoned Lodge, which are attached again. These clearly show the Duke of Wellington from 1 Rose Cottage Dining Room window. The second photograph of the window and its position shows the relationship to the existing front elevation of Stoned Lodge north west corner. This photograph reinforces concerns at the impact on daylight and views from 1 Rose Cottages window, whatever further forward extension is proposed.

Private Representations: Two additional letters of representation have been received, raising further objections in relation to:

- The photographs submitted by the applicant are inaccurate and inadequate
- The photographs are not a true representation of the street scene
- Any future extension of this property will impact on the conservation area and its character and obstruct the window of the adjoining property

DPTL: These additional comments and photographs do not alter my assessment of this application and the issues it raises, which are all identified and discussed in the main report.

MY RECOMMENDATION REMAINS UNCHANGED
