

**West Malling**  
West Malling And  
Leybourne

**568194 157787 23 April 2012**

**(A) TM/12/01302/FL**  
**(B) TM/12/01303/LB**

Proposal: (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)

Location: 55 Swan Street West Malling Kent ME19 6LW

Applicant: Mr John Ariel

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### **1. Description:**

- 1.1 Members will recall that this application was initially reported to the 31 October meeting, when Members deferred consideration pending a Members' Site Inspection. The Site Inspection is scheduled to be held on 4 December 2012.
- 1.2 Subsequent to the previous Committee meeting, the applicant submitted an amendment to the scheme on 21 November 2012, setting the front wall of the side extension back a further 300mm from the front boundary and from the neighbour's first floor window reveal. The Parish Council and neighbours have been re-consulted.
- 1.3 Any matters arising from the Members' Site Inspection will follow in a Supplementary Report.
- 1.4 The 31 October 2012 main and supplementary reports are annexed to this report.

### **2. Consultees:**

- 2.1 As indicated above, the Parish Council and neighbouring residents have been consulted on the amended plans received on 21 November. Any further representations received in advance of the Committee meeting will be set out in a Supplementary Report.

### **3. Determining Issues:**

- 3.1 This is essentially as described in the annexed report. However, in light of the amendment to the scheme, I can advise Members further, as follows.

- 3.2 The additional 300mm setback of the front wall of the side extension will now allow for the neighbour's first floor window to open a full 180° and will provide additional visual separation from both the neighbour's ground and first floor windows.
- 3.3 I am of the view that the visual amenity from both neighbouring windows will be improved. Views would be over a new landscaped front garden area to be established within the area that is currently tarmacked.
- 3.4 The form, design and appearance of the extension will not change.
- 3.5 Any issues arising from the Members' Site Inspection will be set out in a Supplementary Report.

**4. Recommendation:**

- 4.1 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:

- 4.2 **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 A dated 28.11.2012, Letter dated 23.04.2012, Design and Access Statement dated 23.04.2012, Letter dated 19.09.2012, Letter dated 02.07.2012, Letter dated 02.08.2012, Letter PEJ/SK dated 26.11.2012, Proposed Plans and Elevations 2563/3 D dated 21.11.2012, Proposed Plans and Elevations 2563/4 D dated 21.11.2012 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.
- 6 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:

- 4.3 **Grant Listed Building Consent** in accordance with the following submitted details: Letter 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 A dated 28.11.2012, Design and Access Statement dated 23.04.2012, Letter dated 02.08.2012, Letter PEJ/SK dated 26.11.2012, Proposed Plans and Elevations 2563/3 D dated 21.11.2012, Proposed Plans and Elevations 2563/4 D dated 21.11.2012 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