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**Report of 17 April 2013**


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**Ryarsh Downs**                      **566897 160185**    **24 October 2012**                      **(A) TM/12/03132/FL**  
**(B) TM/12/03133/LB**

Proposal:                      (A) Demolition of existing side extension and construction of two storey side extension. Demolition of existing single garage and construction of double garage. New vehicular and pedestrian gates across drive  
    (B) Listed Building Application: Demolition of existing side extension and construction of two storey side extension

Location:                      Dingle Dell Cottage 88 Chapel Street Ryarsh West Malling  
    Kent ME19 5LW

Applicant:                      Mr P Jackson

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## **1. Description:**

1.1 The proposals to this Grade II Listed property consist of the following:

- Demolition of the existing extensions to the east side of the dwelling and erection of a two-storey extension.
- Demolition of the existing single garage and replace with a new double garage.
- New timber entrance gates and fencing 1.5m high.

1.2 The new side extension is to measure 3.7m wide x 7.85m, with 4.5m eaves height and ridge height of 5.75m. It is to be recessed about 100mm behind the front wall of the house.

1.3 The garage is to be 5.85m x 6.45m, with 2.25m high eaves and 4.5m total height. It is to be inset 850mm from the eastern boundary and 1.15m from the northern boundary.

1.4 External materials are to consist of facing brickwork to plinth, natural finish traditional oak feathered edged weather boarding, plain clay tiles, black finished metal flue, metal framed conservation rooflights and white painted timber windows and doors. The materials for the garage are to also consist of oak feathered edged weather boarding and plain clay tiles, as well as black plastic rainwater goods.

1.5 Amended plans were received on 26.02.2012 reducing the width, height and overall size of the side extension, as well as that of the detached garage. The revised scheme was re-consulted on for a further period.

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

2.1 The application was called in by a local member due to its sensitivity.

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### 3. The Site:

- 3.1 The application site is located on the east side of Chapel Street, about 250m to the north of The Street and just beyond the northern extremities of the settlement of Ryarsh. It is therefore in the countryside. The application dwelling accommodates the eastern side of a 16<sup>th</sup> century grade II listed cottage. The dividing boundary between the application site and Old House (No.89) is irregular, stepping across the rear of the application dwelling. The private amenity space for the application dwelling extends southwards down the east side of the dwelling. A large gravelled hardstanding area lies in front of the dwelling to its northern side with the vehicle access point to Chapel Street adjacent to the northern boundary of the site. A pitched roof single garage lies within the northeast corner of the site.
- 3.2 The site is within the Metropolitan Green Belt (MGB), an Area of Outstanding Natural Beauty (AONB) and the Ryarsh Village Conservation Area (CA).
- 3.3 Old House adjoins to the west with the boundary between the two dwellings being staggered following the irregular rear elements of the dwellings. The rear garden to Old House also extends beyond the nearest rear wall of Dingle Dell Cottage creating an irregular residential setting. To the east of the site lies a field, with an orchard beyond that. A small area of woodlands lies to the south, with fields also to the west across Chapel Street. A group of three listed two-storey terraced dwellings (90-92 Chapel Street) lie to the north.

### 4. Planning History:

TM/71/10486/OLD    grant with conditions    15 April 1971

Garage

### 5. Consultees:

- 5.1 PC: The Parish Council objects to the development. The concerns raised are summarised as follows:
- The amended proposal is still out of keeping with the style, age and history of the building.
  - The application building is one of the oldest (possibly the oldest) in Ryarsh with the part of the building to be demolished being built around 1550, which would be lost forever and it is to be replaced with a structure with an altogether different style and character.
  - The plans do not show how interdependent each property is.
  - No attempt has been made for the changes to be in keeping with the age and character of the building or to be sympathetic in any way.

- The plans still provide for a window over the neighbouring property, which will result in a loss of privacy for them.
- The roof line will also block out light to the skylight of the neighbouring property, which is the only source of light for their kitchen area.

5.2 Society for the Protection of Ancient Buildings (SPAB): The following comments were made:

Whilst the reduction in scale is welcome we believe that the revised proposal still constitutes a major alteration to the property and therefore requires careful consideration. The *Design and Access Statement* notes that the present kitchen extension is likely to date from circa 1900 and has a traditional cat-slide roof. This makes a visually pleasing composition where the later fabric is clearly subservient to the older element of the property. In contrast, the proposed new extension is a two storey structure with a double pitched and hipped roof. This creates a less visually pleasing composition with the proposed extension very clearly delineated as a separate structure rather than being conceived as an organic evolution of the existing plan form and massing. It also results in the creation of a valley gutter between the two structures, which may well prove to be hard to detail successfully.

5.3 English Heritage: The application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

5.4 Private Reps: 6/0X/0S/1R + site notice and LB/CA press notice. The following objections were raised:

- Overlooking directly into the garden of Old House will result in a loss of privacy.
- The extension will impact on the character of the property.
- The proposed building mass/scale is overbearing and the design does not enhance the appearance of the building.
- The extension would result in a loss of light to the kitchen of the Old House.

## 6. Determining Issues:

6.1 The main issues are the effect of the proposals on the MGB, the special architectural and historic interest of the Grade II Listed Building, the character and visual amenity of the CA and on the residential amenities of the neighbouring occupiers of Old House, adjoining to the west.

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- 6.2 The listed building is a two-storey 16<sup>th</sup> century dwelling with 18<sup>th</sup> and 19<sup>th</sup> century alterations and additions. It is of red brick construction with plain tiled roof, hipped to the left with a chimney stack to its west side. It has irregular front window casements on the ground floor. One ground floor window has been blocked up.
- 6.3 The application dwelling is a listed building and therefore a designated heritage asset. What needs to be ascertained is whether the demolition of the existing lean-to element to the east side and the size, scale, design and material finishes of the new extension would preserve the significance of the heritage asset.
- 6.4 The exact evolution of the existing cat-slide / lean-to elements attached to the east side of main building is somewhat unclear. However, these elements are not original and appear to have been simple or lightweight add-ons adapted over the years to form additional accommodation. This is evident in their substandard construction where it has been noted that there are no foundations or insulation and only single skin walls. The internal layout is also seriously contrived displaying poor links with the main house and a very restricted internal head height. This adapted appearance is also evident externally where it can be seen that these elements are non-original. As such, I am of the view that the existing side elements are not part of the original historic building and are therefore not worthy of retention in this case.
- 6.5 The new extension has been reduced in width from that originally submitted which has proportionately led to a reduction in the height of the ridge. I consider these reductions result in a significant improvement in respect to size, scale and relationship with the main building. A marginal setback has been provided from the front wall of the host building (100mm). A greater setback would normally be preferred to provide greater subservience however the design is restricted in this case by the existing ground floor opening being very close to the front wall. It is considered that utilising the existing (unorthodox) openings is paramount as any new openings within the side of the main building would have a damaging effect on the building historic fabric and character. Notwithstanding its minimal recess behind the front wall of the dwelling, the extension has been designed to appropriately appear as a separate element by incorporating an independent pitched and hipped roof and painted traditional oak weatherboard wall cladding. This design and use of external materials prevents damage to the fabric of the original building and provides a relatively subdued appearance that would, in my opinion, enhance the prominence of the original red brick building, preserving its historic character.
- 6.6 I note the comments by SPAB relating to the design of the extension. However, I am of the view that the extension can equally be seen as a visually separate element to the listed building such that it does not detract from the significance of the listed building.

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- 6.7 In respect to the double garage, this has been reduced in size and scale from that originally submitted and I am now satisfied that it is of a size and scale that is suitably domestic and proportionate to its location and has been designed to complement its rural setting and that of the listed building.
- 6.8 New timber entrance gates and close-boarded fencing is proposed to provide additional enclosure to the site. These will be sited about 7.5m back from the front boundary of the site, to a height of 1.5m, and will link to the low wall that divides the application site from that of the Old House. The gates and fencing are considered to complement the existing fencing on the site and are set well back from the listed building, limiting impact on its setting.
- 6.9 I am therefore of the view that the proposals overall can be judged to preserve the appearance, special character and significance of the listed building and its setting, and the character of the CA. Accordingly, the proposal satisfies policy CP24 of the Tonbridge and Malling Borough Core Strategy (TMBCS), policy SQ1 of the Managing Development and the Environment Development Plan Document (MDEDPD), Section 72 of the Planning (Listed Building and Conservations Areas) Act 1990 and paragraphs 129 and 132 of the National Planning Policy Framework (NPPF).
- 6.10 The application site is in the MGB where the construction of new buildings is inappropriate. Exceptions do apply, as outlined in paragraph 89 of the NPPF, and includes extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building, and also the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
- 6.11 The original dwelling building has been calculated to provide a total volume of 301m<sup>3</sup>. The total volume of the dwelling with the proposed extension is 361m<sup>3</sup>: an increase of 60m<sup>3</sup> or a 20% increase in the size of the building. I am therefore satisfied that the proposed extension, given my view as to acceptability of form and design, would be proportionate to the original building and therefore acceptable development in the MGB.
- 6.12 The new double garage replaces the existing single garage, providing a new building that is 56% larger than the existing building. This would represent a materially larger building than the one it replaces and it is therefore inappropriate development in the MGB. However, when the extension and new garage are taken together the additional volume of buildings proposed on the site would be acceptable when considered cumulatively in my opinion. Furthermore, I consider the design of the garage and use of external materials would result in an improved garage appearance within this rural residential setting. Accordingly, I consider that case of special circumstances exists and that the proposed garage would be acceptable development in the MGB.

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- 6.13 The proposed development would therefore satisfy policies CP3 and CP14 of the TMBCS and paragraphs 87-88 of the NPPF.
- 6.14 I note the comments of the adjoining neighbour to the west and of the Parish Council. These relate to issues of privacy, loss of light and impact on the character of the listed building. The latter is discussed in some detail above. The matters of overlooking / privacy and loss of light are discussed below.
- 6.15 A first floor window is proposed within the southern elevation of the extension. Direct views from this window would be along the boundary dividing the two rear gardens. I am of the view that any overlooking would be over the southeast section of the neighbour's rear garden and not directly over the more important private amenity area at the rear of the dwelling. Three rooflights are located within the east facing roof slope facing the neighbouring dwelling. However, it should be noted that the height of the base of the rooflights is more than 2m above the floor level. As a result, there would be no unacceptable overlooking or loss of privacy from the development.
- 6.16 Any overshadowing from the extension would be to the north away from the rear of the neighbouring dwelling and rear garden. The extension would also be about 3m from the nearest part of the neighbour's dwelling. Therefore, the extension would not result in any harmful overshadowing of the neighbouring dwelling or rear garden.
- 6.17 Accordingly, I do not consider that the development would be demonstrably harmful to the residential amenities of the occupants of Old House, to the west. The scheme therefore accords with Policies P4/12 of the TMBLP, CP1 and CP24 of the TMBCS and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.
- 6.18 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.
- 6.19 SPAB have raised concerns and they have been asked to clarify if they are formally objecting to the proposal. This will mean the Listed Building application will need to be referred to the Government before a decision can be issued. An update will be included in a supplementary report.

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**7. Recommendation:**

(A) TM/12/03132/FL:

**7.1 Grant Planning Permission** in accordance with the following submitted details:

Letter dated 16.10.2012, Letter dated 24.10.2012, Design and Access Statement dated 16.10.2012, Photographs dated 16.10.2012, Existing Floor Plans 514/01 A dated 16.10.2012, Existing Plans 514/02 A dated 16.10.2012, Existing Elevations 514/03 dated 16.10.2012, Letter dated 26.02.2013, Proposed Floor Plans 514/06 F dated 26.02.2013, Site Layout 514/07 F dated 26.02.2013, Proposed Elevations 514/08 D dated 26.02.2013, subject to the following:

**Conditions / Reasons**

- 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 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).

**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. 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.

(B) TM/12/03133/LB:

**7.2 Grant Listed Building Consent** in accordance with the following submitted details:

Letter dated 16.10.2012, Letter dated 24.10.2012, Design and Access Statement dated 16.10.2012, Photographs dated 16.10.2012, Existing Floor Plans 514/01 A dated 16.10.2012, Existing Plans 514/02 A dated 16.10.2012, Existing Elevations 514/03 dated 16.10.2012, Proposed Floor Plans 514/06 F dated 26.02.2013, Site Layout 514/07 F dated 26.02.2013, Proposed Elevations 514/08 D dated 26.02.2013, Letter dated 26.02.2013, subject to the following:

**Conditions / Reasons**

- 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 the roof valley, 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



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**SUPPLEMENTARY REPORTS****AREA 2 PLANNING COMMITTEE****DATED 17 April 2013**

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**Ryarsh (A) TM/12/03132/FL**  
**Downs (B) TM/12/03133/LB**

**(A) Demolition of existing side extension and construction of two storey side extension. Demolition of existing single garage and construction of double garage. New vehicular and pedestrian gates across drive; (B) Listed Building Application: Demolition of existing side extension and construction of two storey side extension at Dingle Dell Cottage 88 Chapel Street Ryarsh West Malling Kent ME19 5LW for Mr P Jackson**

DPTL: Clarification was sought from SPAB as to whether their concerns constituted a formal objection to the proposal. They have replied by advising that although they remain unconvinced about the design solution being proposed they do not raise a formal objection. There will be no need to refer the LB application to the DCLG if Members are minded to permit.

**RECOMMENDATION UNCHANGED**