

**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 Members will recall that these applications were both deferred from the Area Committee of 17 April for a Members' Site Inspection, which was held on 8 May 2013. The previous main and supplementary reports are attached as an Annex.
- 1.2 There were a number of queries addressed to officers arising out of the Inspection, which were as follows:
- Age of the lean-to.
  - Encroachment onto the garden wall of no. 89.
  - Daylight/sunlight to the kitchen skylight of no. 89.
  - Obscure glazing of the rear bedroom window.
  - Materials of the extension.
  - Use of roof void of proposed double garage.

**2. Consultees:**

- 2.1 No further responses have been received since the previous report.

**3. Determining Issues:**

- 3.1 The agent has been asked to clarify if there is encroachment, he having submitted Certificate A with the applications which states that all work is on land owned by the applicant. He has replied as follows:

*“Due to the staggered nature of the boundary the extension does not encroach onto the neighbouring property. We therefore issued Cert A. From a construction*

*point of view however, which I understand is not a planning issue, the extension could be built overhand i.e. from within the applicants site but ideally some co-operation with their adjoining neighbour would be forthcoming to enable erection of scaffold in the corner of their garden adjacent to the back of the applicants bathroom to aid construction”.*

- 3.2 On the basis of the above, there is no material planning matter with regard to the proximity of the extension to the neighbour’s garden wall. The neighbour is aware of the extension vis a vis his land/property and the applicant can be made aware of the Party Wall etc Act in an Informative.
- 3.3 The extension will lie just to the east-north-east of the skylight to no. 89. It will be 3m away and the eaves will be 1.5m above the window. As the BRE sunlight and daylight test is averaged over a whole day at the Spring Equinox, the scheme would have acceptable impact on the skylight in my view and accord with saved policy P4/12 of the Tonbridge and Malling Borough Core Strategy 2007, Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy (TMBCS), and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012 (NPPF).
- 3.4 In response to the objections on overlooking, the agent has suggested the applicant would accept a condition that the south facing bedroom window have obscured glazing (by sandblasting) and a requirement to be a side hung casement on the western hinge with a 60 degree restrictor to reduce any overlooking concerns of the SE quadrant of the garden of no. 89. Members may agree that this would be a satisfactory solution to that particular residential amenity issue.
- 3.5 The listed building has a 16th Century core with 18th and 19th Century alterations and additions. The lean-to is Victorian and of poor quality construction. There could be introduction of brick to the ground floor element of the new extension but it would be difficult to satisfactorily match the colour and appearance of the weathered brick of the original. Architecturally, the contrast between the new and the old, boarding and brick, ensures that the historic house is visually discernible. Weatherboarding is very common on Kentish historic buildings, even natural oak as proposed here. I remain of the view that the extent of weatherboarding proposed 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).
- 3.6 There is no first floor shown to the detached garage in the submitted plans. The roof has  $\frac{3}{4}$  hips and a pitch of 33 degrees. I am satisfied that it has not been designed to create first floor accommodation, although of course there may be

some storage potential as in any pitched roof outbuilding. I thus consider that the building is not overly large for its intended primary purpose and complies with policies CP3 and CP14 of the TMBCS and paragraphs 87-88 of the NPPF.

- 3.7 Other determining matters are as reported previously. My recommendation remains unaltered except to add the amendment related to the treatment of the south facing bedroom window.

**4. Recommendation:**

(A) TM/12/03132/FL:

- 4.1 **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, Proposed Elevations 514/SOUTHELEV.REV dated 15.05.2013 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 The glazing and opening of the first floor window on the south elevation shall be as detailed on the drawing date stamped 15.05.2013 Elevations 514/SouthElev.Rev. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy and paragraphs 17, 57, 58, 61 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 or Bank Holidays.

(B) TM/12/03133/LB:

**4.2 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, Proposed Elevations 514/SOUTHELEV.REV dated 15.05.2013 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 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).

- 3 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).

- 4 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