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**Report of 28 April 2005**

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<b>East Malling &amp; Larkfield</b> East Malling	<b>570168 156708</b>	<b>14.03.2005</b>	<b>TM/05/00672/FL</b>
Proposal:	New detached 5 bedroom house with integral garage		
Location:	Land Adjoining 5 Gilletts Lane East Malling West Malling Kent ME19 6AS		
Applicant:	Mr D O'Donnell		

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**1. Description:**

- 1.1 This full application proposes the construction of a single five-bedroom detached house. The building is single storey character and appearance featuring first floor rooms within the roofspace. The overall height of the building is 7.4m with a width of 14.5m. Parking is to be provided to the front of the new dwelling with the design of the house featuring a single integral garage. The application follows numerous applications for outline approval for a dwelling on the site

**2. The Site:**

- 2.1 The site was originally part of the garden of no. 5 Gilletts Lane. The land slopes down to the east and north in the street with a ground level approximately 0.75m lower than the property to the west. The site is screened from the road by mature trees and shrubs.

**3. Planning History:**

- 3.1 TM/01/01654/OA Approved 13.08.2001  
Variation of conditions 2 & 3 of Outline Planning Permission TM/98/00636/OA: to extend the period of commencement for the erection of a bungalow.
- 3.2 TM/98/00636/OA Approved 07.10.1998  
Outline application erection of bungalow.
- 3.3 TM/95/00135OA Approved 20.04.1995  
Renewal of outline permission TM/92/0249 (erection of bungalow) for a further three years.
- 3.4 TM/92/0249OA Approved 08.05.1992  
Renewal of outline approval (ref: TM/89/0403/OA) for the erection of a bungalow.
- 3.5 TM/89/0403OA Approved 11.05.1989  
Renewal of outline approval TM/86/0040/OA for the erection of a bungalow for a further three years.

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- 3.6 TM/86/0040OA      Approved 14.04.1986  
Renewal of outline approval TM/83/0033OA for the erection of a bungalow for a further three years.
- 3.7 TM/83/0033/OA      Approved 21.02.1983  
Renewal of outline approval TM/79/1189OA for the erection of a bungalow for a further three years.
- 3.8 TM/79/1189/OA      Approved 07.02.1980  
Outline application for a bungalow.

#### **4. Consultees:**

- 4.1 PC: Comments awaited.
- 4.2 KCC (Highways): No objections subject to conditions.
- 4.3 Private Reps: 16/0X/7R/0S + Art 8 + Press. Seven letters received raising the following objections:
- Proposal too large and out of keeping with the surroundings.
  - Loss of light and privacy to neighbouring properties.
  - Gilletts Lane too narrow to support additional traffic generated.
  - No room for parking in Gilletts Lane.
  - Private road to the rear of the site should not be used to access site.
  - Construction lorries would lead to disruption of key roads.
  - Noise and disturbance from builders.
  - Lead to a 'green light' for other developers in East Malling.

#### **5. Determining Issues:**

- 5.1 The considerations with this application are the principle of the development, impact on the neighbouring properties and surroundings and highways issues.
- 5.2 The site is within the rural settlement confines of East Malling and has been the subject of approved outline planning permissions for development since 1980. The principle for residential development on the site is as acceptable now as it was previously. The site is adjacent to the East Malling Village Conservation Area but would not have an adverse impact on views through the area as it is on land to the rear of buildings in the conservation area and also partially screened by trees to the rear of these properties.

- 5.3 With regard to the design of the property itself, the house is to be a maximum of 7.4m in height with the upper floor contained wholly within the roofspace. The submitted plans indicate the ridge height matching that of the adjacent property, 5 Gilletts Lane, to the west. The footprint of the building occupies approximately 16 percent of the plot and so could not be considered to be overdevelopment. The dwelling proposed is single storey in character and appearance and would not be out of keeping with the general character of the surrounding area, which is characterised by predominantly single storey properties, a significant number with rooms in the roof.
- 5.4 The proposed dwelling would not have an adverse impact on the residential amenity of the neighbouring properties. Privacy distances comfortably exceed those set out in Kent Design and the design would not result in direct overlooking between windows of adjacent properties. The dwelling would not result in overshadowing of the neighbouring properties in light of the distances between the existing and proposed development and also the orientation of the plot.
- 5.5 Adequate parking and turning provision are provided within the site and this can be retained by condition. As in the past the overall traffic generation would not be detrimental to the flow of traffic along Gilletts Lane and given the fact that the access is existing it would be difficult to resist its use. With regards to traffic issues caused by construction vehicles, these would be a matter for the police rather than a reason for restricting planning permission.
- 5.6 Overall the proposal is considered to accord with policy and would not have a detrimental impact on the character of the area or the surrounding properties and is therefore acceptable.

## **6. Recommendation:**

### **6.1 Grant Planning Permission**, subject to the following conditions::

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (Z001)

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

- 2 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. (D001)

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

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- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of 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. (L003)

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.

- 4 The windows on the west elevation shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter. (R003\*)

Reason: To minimise the effect of overlooking onto adjoining property.

- 5 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 any elevation or roofslope of the building other than as hereby approved, without the prior written consent of the Local Planning Authority. (D013\*)

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.

- 6 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space 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. (P004)

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 7 The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles. (P009)

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 8 No building shall be occupied until the area shown on the submitted plan as a turning area 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 turning area. (P011)

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 9 No development shall take place until details of the slab levels of the dwellings and section drawings through the site have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 10 Development shall not begin until foul and surface water drainage works have been carried out in accordance with details to be submitted to and approved by the Local Planning Authority. (W001)

Reason: In the interests of pollution prevention.

Informatives:

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate number(s) to the new property/ies. To discuss the allocation of numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation. (Q050)
- 2 The applicant is advised to note the provisions of the Control of Pollution Act 1974 with regard to noise and disturbance from construction works. Works should be undertaken between the hours of 7.30am and 6.30pm Monday to Friday; 8am to 1pm Saturday, with no working on Sundays or Bank Holidays. Advice regarding this matter may be obtained from the Director of Health and Housing, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ, Tel: (01732) 844522.

Contact: Robin Gilbert