

3.3 TM/91/1238 Approved 12.10.1992
New garage and vehicular access together with boundary wall, piers and gate to High Street frontage.

3.4 MK/4/69/657 Approved 19.02.1970
Erection of 6ft fence.

4. Consultees:

4.1 PC: Strongly objects to the proposal on access grounds onto the already narrow High Street. If this is permitted, treatment of the site boundaries is extremely important.

4.2 DHH: The access to the bathroom or shower room is via a bedroom which could cause a privacy issue.

4.3 KCC (Heritage): The site of the application lies around 150m north west of the Scheduled Ancient Monument of a Roman building. Numerous associated finds have been found in the vicinity including Roman pottery 100m south of the site. In addition, there are several Listed Buildings nearby including the neighbouring 1-5 Mill Street properties which date from the late C15 and early C16 and the medieval Wealden House at 4 and 6 Church Walk 40m to the east.

4.3.1 In view of the potential for Roman, medieval and early post-medieval finds and features on the site, I also advise that any forthcoming consent be subject to a condition requiring the implementation of a programme of archaeological work.

4.4 KCC (Highways): This proposal is for a two bedroom unit that under current KCCVPS could attract up to two off street parking spaces. The submitted plan shows the ability to park two vehicles within the site. Due to the compact nature of the site it is not possible to provide a usual turning facility that is a requirement. However, the applicant is proposing an innovative method to turn vehicles that was part of the previous application TM/04/02488/FL. I am not aware of any local sites where this has been used but the technology has been in existence for some time with one particular company, that I believe the applicant is considering, being established in 1959. Having considered the promotional literature I am of the opinion that this technology is suited to solving the on site turning problem in this location. The applicant is reminded that a minimum clear distance of 4.8m must be provided beyond the overall turning circle to permit a vehicle to park without impeding the operation of the turntable. The turntable must be constructed to the manufacturer's specification.

4.4.1 This application differs from the previous one in that the vehicle access is to be relocated. The previous application was to utilise the existing vehicle crossover. This has been in existence for some time and was found acceptable. However, this proposal relocates the vehicle access along the frontage closer to No 10. I would find the location of the proposed vehicle crossover acceptable subject to

forward vision of 'x' distance 2m x a line struck to the boundary of the application site in each direction being provided. In order to provide pedestrian as well as forward vision I require that nothing within these envelopes be higher than 0.600m. Although the proposed access is not ideal neither is the existing one and on balance I am satisfied that this access is likely to be no worse than the existing one.

4.4.2 I require that the existing taper and drop kerbs are replaced with full face kerbs and the surfacing adjusted to suit all to the Highway Managers satisfaction. The proposed vehicle crossover is to be constructed to the Highway Managers specification. The applicant is to liaise with the Highway Manager on both these issues.

4.4.3 Surface water from private areas is not to discharge onto the public highway. I would therefore subject to the above support this application.

4.5 Private Reps: 16/0X/2S/7R. Two letters received supporting the proposal subject to the following:

- The revised application is an improvement on the original proposal and I support the application.
- The frontage boundary should be a ragstone wall.
- Refuse bins are stored along the frontage of the site.

Seven letters were also received objecting to the proposal on the following grounds:

- Against the spirit of the EMVDS.
- Increase traffic hazards and movements along the High Street.
- Development is out of character with the locality.
- Over intensive development for site.
- Loss of privacy.
- Loss of natural light.
- A street light would need to be relocated.
- A previous scheme for a vehicular access was refused on highway grounds (TM/98/00737/FL).
- How dependable is the vehicle turntable?

- Potential damage to a nearby tree by the siting of the turntable.
- Loss of trees.
- Cars parked on the opposite side of road will prevent vehicular access into the site.
- Loss of sunlight.

4.6 East Malling Conservation Group: Our concerns remain the same that we have presented before in that primarily any new property on this site will cause further problems by vehicles either entering or exiting the property onto what is now an extremely busy junction. Not only is the High Street extremely narrow at this point but gets heavily congested with traffic going in both directions.

4.7 A8 Site Notice & Press Notice: No response.

5. Determining Issues:

5.1 The main issues to be considered are whether the proposal will harm the visual amenity of the locality, whether the proposal will harm the residential amenity of nearby dwellings and whether the proposal will constitute a significant highway hazard.

5.2 The site lies within the rural settlement confines of East Malling, which has been identified as an RS3 (a) village. Under policy P6/2 of the TMBLP 1998 opportunities exist for residential development in excess of minor development or redevelopment. PPG3 also seeks to make more efficient use of land and supports such development subject to respecting the local character of the area. Therefore, the principle of housing development on this site is acceptable.

5.3 Policies RS1 of the KSP 1996 and P4/11 of the TMBLP 1998 seek to control the quality of new development. Proposals should be appropriate in terms of density, scale, layout, mass, form, height and appearance to their surroundings.

5.4 The site also lies within a Conservation Area, where policy P4/4 of the TMBLP 1998 sets out criteria for testing new development within Conservation Areas. Also of material consideration is the EMVDS, which is adopted SPG. In particular, this document states "*frontages of dwellings are presented very close to the street having little or no front gardens and no forecourt parking*".

5.5 Members may be aware that the previous application TM/04/02488/FL was refused on the following grounds:

- The site is included within a designated CA and the proposed development would detract from the visual amenities of the Area, in terms of its design and relationship with the High Street, the character and appearance of which it is desired to preserve and enhance.

- The proposal would constitute over development of the site, having regard to its shape, size and close proximity with the neighbouring dwellinghouses, meaning that the site would be unable to accommodate the proposed development satisfactorily which is contrary to policy P4/11 of the TMBLP 1998.

- 5.6 The applicant has sought to address these grounds of refusal through redesigning the dwelling, its siting and the enlargement of the plot. The first aspect of the refusal partly related to the siting of the dwelling and its poor relationship with the streetscene. Policy P4/4 of the TMBLP 1998 requires development to have regard to the traditional pattern of frontages. In this village and the CA, properties are very close to the back edge of the highway, a view supported by the EMVDS, which states that "*frontages of dwellings are presented very close to the street having little or no front gardens and no forecourt parking*". The previous scheme showed the dwelling 5.3m from the back of the highway, whilst the current proposed dwelling is only 1m from the highway. Therefore, the forecourt parking has been omitted and the siting of the dwelling is much more in keeping with the pattern of frontages in the CA and the East Malling generally.
- 5.7 The design of the dwelling has been altered to simplify the proposal, as the previous scheme, whilst architecturally impressive, with exposed timber beams and catslide roofs, was felt to be out of character and unsympathetic for this part of East Malling village. In addition, the number of single storey additions has been removed and the frontage elevation made less fussy, particularly important when sited between two Listed Buildings. The applicant has chosen materials to reflect those in the immediate vicinity, particularly the rendered frontages of the listed buildings to the north. Whilst I acknowledge that the EMVDS advocates the use of red brick or ragstone for external walling, there are clearly examples of render in the immediate locality and therefore a refusal based on the choice of render as a external finish could not be justified. Notwithstanding this, the precise details of the external materials can be controlled by condition. The revised design and frontage form of the development will preserve the character of the CA.
- 5.8 The applicant has sought to address the second ground of refusal by increasing the depth of the application site, which enlarges the overall size of the plot. In addition, the application has reduced the width of the dwelling from 7.7m to 5.0m. This increases the distance from the proposed dwelling to its southern neighbour, No.10 High Street, by approximately 2m, to 4.9m, whilst the distance to the properties to the north increases by 0.7m. Therefore there is a more sympathetic relationship and spacing to the neighbouring properties. With the narrowing of the dwelling, this has resulted in the depth of the proposed dwelling increasing from 8.8m to 11.15m, although the last 2m of the 11.15m depth is only a single storey structure. By increasing the depth of the site and altering the positioning of the dwelling, the proposed dwelling now sits more comfortably within the plot. The increase in the depth of the site also results in the creation of a rear garden of 5m deep, where previously there was no rear garden. The previous scheme included

a small side garden to the north, this has been slightly enlarged with the greater separation to the dwellings to the north. In addition, the omission of a number of single storey additions reduces the footprint and extent of built development. Whilst it is acknowledged this application site is relatively compact, I am satisfied on balance that by increasing the depth of the application site and creating a narrower dwelling, with greater spacing to neighbouring properties, the development will not result in the overdevelopment of the site.

- 5.9 In terms of other visual amenity issues, a local resident suggests that the frontage boundary should be a ragstone wall. This can be considered in the context of details to be submitted pursuant to a landscaping and boundary treatment condition (subject to a possible restriction on its height in meet highway requirements). The proposal will also result in the removal of a small number of relatively recently planted silver birch trees. The applicant has sought to replant these within the proposed garden and frontage areas. This replanting is welcomed as these semi-mature trees have little visual amenity value at present, whilst there replanting on the site could ensure their long term future and contribution to the CA. The precise location of these trees replanting can be controlled by condition subject to meeting highway requirements. Concern has also been raised that the proposed location of the vehicle turntable could harm a nearby cherry tree. The previous scheme included development under the canopy of the cherry tree but this was not raised as a reason for refusal. Whilst it is acknowledged that the proposed construction of the vehicular turntable could potentially harm the cherry tree due to the impact on its roots, there is scope to relocate the turntable to either the west or east to mitigate any potential harm to the cherry tree, whilst not significantly interfering with the parking spaces. Therefore, a condition can be imposed requiring details of a revised siting of the turntable.
- 5.10 The proposal will not result in the loss of privacy to neighbouring properties, as the only windows in the south elevation serve bathrooms/shower rooms, which can be conditioned to be fitted with obscure glazing, apart from any top hung windows. No windows are proposed in the north elevation.
- 5.11 Given the distance to the neighbouring properties and proximity of habitable rooms, the proposed dwelling will not result in the loss of either background daylight or sunlight to the neighbouring properties.
- 5.12 The proposal seeks to close an existing vehicular access onto the High Street and create a new vehicular access further to the south. The existing access is formed by gates on the back of the footpath and dropped kerbs. KCC (Highways) raises no objection to the new access subject to visibility splays being created which taper to the boundaries of the site. In forming this view, KCC (Highways) acknowledges that the new access is not ideal, but neither is the existing and considers that the new access is likely to be no worse than the existing one. Local residents have raised concerns that turning into the application site may be

restricted by existing on street parking, however, there is an existing lawful access into the site, which the KCC (Highways) has balanced in reaching their decision to raise no objection. Members will also note that the previous application was not refused on highway grounds.

- 5.13 Reference has also been made by local residents to a previous refused planning application (TM/98/00980/FL) for a double garage and alterations to the repositioned vehicular access. This proposal involved the erection of a double garage within 1.5m of the back edge of the highway without a turning area. The proposed was refused as it created hazardous highway conditions, as there was insufficient space available for a vehicle to park off highway in front the garage, and also lacked turning facilities, resulting in vehicles reversing into or out of the site to the detriment of road safety and the free flow of traffic. These are not comparable circumstances to the current application, as it includes a turning facility, but does not include a garage. It should be noted that the widening of the existing access to the whole frontage of this plot was not considered a ground of refusal in that earlier application.
- 5.14 In parking terms, the proposed development will be served by two parking spaces, which meets the maximum requirement under KCCVPS and exceeds that advocated within PPG3. KCC (Highways) raises no objection on parking grounds.
- 5.15 The proposal includes the provision of a vehicle turntable as an alternative to a conventional turning area, as the vehicular access is onto a classified road. KCC (Highways) is satisfied that a turntable is a suitable solution in this location and it should be noted that this solution was accepted on the previous application. Given that we are intending to require details for the relocation of the turntable relative to the cherry tree, additional details of its precise construction could also be sought through conditions.
- 5.16 The siting of existing refuse bins outside the application site on the public highway is not a material consideration.
- 5.17 In light of the above considerations and on balance, I am satisfied that the proposal will not detract from the visual amenity of the CA or the wider locality and will not cause a highway hazard, therefore I support this proposal.

6. Recommendation:

- 6.1 **Grant Planning Permission** as detailed by letter dated the 7 March 2005 and by plans D520.2C, D520.1C, 2629/04 and site plan received on the 9 March 2005.
- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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 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.

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

- 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.

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 window on the south 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 extension is occupied and shall be retained thereafter.

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 the south and north elevation(s) 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.

- 6 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of archaeological research.

- 8 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

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

- 10 The access shall not be used until the frontage from a point 2m from the edge of the carriageway along the centre line of the proposed access tapering to the site boundaries has been lowered in height to a height not exceeding 0.6m above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure the safe and free flow of traffic.

- 11 The premises shall not be occupied until the existing vehicular access to the High Street has been closed permanently.

Reason: To ensure the safe and free flow of traffic.

- 12 No development shall take place until full details of the vehicle turntable and its relocation have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and retained thereafter.

Reason: In the interests of highway safety and the protection of the nearby cherry tree.

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 postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@tmbc.gov.uk. To avoid difficulties for first occupiers, 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.
- 2 With regard to the construction of the pavement crossing, the applicant is asked to consult The Highways Manager, Engineering Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522.
- 3 The applicant is advised that no surface water shall be discharged onto the public highway.

Contact: Aaron Hill