

- If development goes ahead the first floor side windows should be obscure glazed and a 1.8m close boarded fence erected around the site.
- Driveway would be damaged by construction works and should be repaired by the applicants.
- Area should be used as parking as it would be more appropriate.

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 Eccles and as such there is a presumption in favour of limited infilling such as that proposed in this application. Given the condition of the site and the fact that the area is not actively used for formal parking as originally intended it is considered, given the aim of PPS3 to make the best use of land within existing settlements, that the site is suitable for residential development.
- 5.3 The design of the properties would not be out of keeping with the general character of the surrounding area. The surrounding properties are primarily brick faced two storey detached or semi-detached buildings and are similar in appearance to those now proposed.
- 5.4 The proposed dwellings would not have an unacceptable adverse impact on the residential amenity of the neighbouring properties such as might justify the refusal of planning permission. Privacy distances to the properties to the rear comfortably exceed those set out in Kent Design and the design and orientation of the houses would not result in direct overlooking between habitable room windows of adjacent properties. The side windows on the proposed houses at first floor level are landing windows and can be obscure glazed to reduce the possibility of overlooking to the sides. The dwellings 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 site.
- 5.5 Adequate parking and turning provision is provided and this can be retained by condition. KCC (Highways) is satisfied that given the traffic generation from the two houses and the adjacent development the vehicle movements would not result in a traffic hazard. The question of repairs to the access following damage from construction vehicles is not a planning consideration and would be a private matter between the applicants and the owner of the access.
- 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.

- 3 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.

- 4 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.

- 5 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.

- 6 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 roof slope 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.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B and C, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001*)

Reason: In order for the Local Planning Authority to regulate and control any future development in the interests of the amenity of neighbouring properties.

- 8 The windows on the flank elevations 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.

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 To reduce the severity of domestic property fires and the number of injuries resulting the Fire Officer recommends that consideration should be given to the installation of a sprinkler system in all new properties. (Q053)

- 3 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