

**East Malling &
Larkfield**
East Malling

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14.03.2005

TM/05/00672/FL

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

1. Description:

1.1 Members will recall that this application was deferred from the April APC3 for a Members Site Inspection (DPE pages 21 -26 refer). The Site Inspection has been arranged for the 19 March 2005 at 16:00 hours. A copy of my report to the April Committee meeting is attached in Annex 2.

2. Consultees (further comments following the drafting of the original Committee report as reported on the supplementary report):

2.1 PC: Strongly object on the following grounds:

- It is considered that a plan should be provided showing ground levels as it is not clear from the drawings how a 5 bedroom chalet bungalow can be the same roof level as a single storey bungalow.
- If it is intended to excavate the ground to lower the dwelling it is questionable whether this would be possible in view of the spring emerging in nearby Gilletts Hole.
- The Parish Council accepts the principle of a dwelling on this site because of the long standing renewals but considers that a bungalow would be more appropriate to fit in with its surroundings.
- In respect of any construction the Borough Council is asked to put an informative that Gilletts Lane should be kept clear for use by other residents at all times and regard be paid to the very narrow nature of the road and the access onto Wateringbury Road.

2.2 EMCG: The local area is characterised by a variety of building types including detached houses and bungalows and a number of properties are on good sized plots. On first sight this proposal appears to respect the characteristics of the local area, but we wonder whether the plan size of the property over develops the plot, taking into account the slope of the bank to the stream and perimeter tree planting.

- We have a genuine worry that the Developer is attempting to gain as much as possible at the expense of the character of the locality. We are given to understand that the Developer also owns the adjacent property, No. 5 Gilletts

Lane. The close boarded fence that he has erected between the site and Nr 5 is built so close to a flight of steps from a side extension to Nr 5, that it has rendered the steps unusable.

- We note that the ridge height of the new dwelling is indicated at the same level as the adjoining property and we welcome this. In fact with the slope of the land the ridge should be lower.
- The site of the proposed dwelling is immediately next to “Gilletts Hole” and we have concern over the possible impact of the foundations on the geology of the site. We believe that there may be underground streams serving the pond under the proposed dwelling. If the Officers are minded to recommend the granting of planning permission we would wish to see a condition imposed for a geotechnical survey to be undertaken before any development takes place. If the survey subsequently reveals underground streams under the building plot then full mitigation measures should be submitted and approved in writing to the Officers before work commences. Our overriding concern with this situation is that the water flow to the hole and or stream is not affected by this development.
- We note that some trees have already been felled, but we assume that permission was not required.
- In terms of parking there appears to be adequate room for at least two cars on the site, but we note that the proposed gate to the site is not set back 5.00m from the highway.
- With regard to elevational details, scant regard seems to have been given to the recommendations contained in the VDS.
- Pitched roof coverings should be plain brown clay tiles and eaves and verges are recommended to be finished in the traditional manner.
- Faced brickwork for external walling should be good quality plain red clay facing bricks.
- The mock Tudor timber beams on the front elevation are totally inappropriate for the locality and should be replaced with brick detailing or a ragstone feature panel as recommended in the VDS.

We also have genuine concern that the Developer may use the private access road at the rear of the site for ingress and egress during the construction of the dwelling. Currently the rear fence comprises temporary mesh panels. We would wish to see a condition imposing the erection of a permanent fence before construction works begin.

3. Determining Issues (comments in relation to above consultation responses):

- 3.1 The application site is lower than the neighbouring property due to the slope of the land so the height difference of 0.8m between the proposed house and the existing house can be accommodated within the plot. It is possible to include an informative regarding deliveries to and from the site.
- 3.2 With regards to the comments from EMCG, the site is not within the CA and should be assessed on its individual merits. Given the mix of properties in the surrounding area, mainly single storey dwellings with rooms in the roof dating from the 1950's to the 1980's, it is not considered that the design of the proposed would be detrimental to the surroundings. As the site is not within the CA nor covered by any TPO's there are no restrictions on removing trees.
- 3.3 With regard to the need for a geotechnical survey, this is not considered to be necessary due to the fact that the underlying ground rock would not require deep foundations.
- 3.4 In light of the above considerations and those raised in my April report, I consider that planning permission should be granted.
- 3.5 Any matters arising from the Members Site Inspection will be reported in a supplementary report.

4. Recommendation:

4.1 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 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.
- 3 The applicant is advised that due to the narrowness of Gilletts Lane all delivery and construction vehicles should park and unload within the site and no materials should be stored on the highway. All site traffic should enter Gilletts Lane via Wateringbury Road and exit via The Rocks Road with no site traffic using the private access to the rear of the site at any time.

Contact: Robin Gilbert