
Snodland Snodland East	570359 162236	22.06.2006	TM/06/00981/OA
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Proposal:	Outline Application for construction of a 1 bedroom bungalow with parking space
Location:	93 Holborough Road Snodland Kent ME6 5PD
Applicant:	Mr And Mrs P Bennett

1. Description:

- 1.1 Outline permission is sought to erect a one bedroomed bungalow with all matters reserved apart from means of access and siting. It is stated that the existing garage and storage container would be removed from the site.
- 1.2 The footprint of the bungalow is shown positioned on the northern half of the land and as having an area of 35.75 square metres. One parking space would be provided for the proposed occupants and another for the occupants of number 93.
- 1.3 The applicants originally indicated that they have a possessory ownership of the means of access to the site from Holborough Road and notice had not been served on any one else. Supporting documents were provided from previous owners of number 93 stating that the access route has been occupied and used as part of land belonging to number 93. Following further discussions the ownership of the means of access was found not to be under the applicants ownership but under 5 separate titles and partly unregistered. Notice has been served on the identified landowners and a notice has been placed in a local newspaper. This fulfils all the necessary legal requirements under the Planning Acts for notifying potential owners that the planning application has been submitted.

2. The Site:

- 2.1 The application relates to a small parcel of land situated to the rear of numbers 91-99 Holborough Road. The land is reached via an unmade track leading from a private road between the clock tower and houses in Holborough Road. The site of the proposed dwelling currently comprises an enclosed area surrounded by fence panels. Within this area is a pre-fabricated garage and a metal storage container. A public footpath runs along the track leading from Holborough Road, and another runs adjacent to the western side of the site. The footpaths fall within the area identified as forming part of the vehicular access to the site. The site falls within the confines of the town. The site area is described as being less than 0.1 hectare. There is no access to the rear gardens of numbers 95, 97 and 99 from the application site or the rear access or public right of way.

3. Planning History:

- 3.1 No recent planning history in respect of the land. It appears to have been used as part of the residential curtilage for some years. The portable garage exists by virtue of a permission granted in 1979. A storage container at the site does not appear to benefit from a planning permission. Appropriate enforcement action could be authorised for its removal if considered necessary, in the event that the outline planning permission for the dwelling is refused. Enforcement action regarding the storage container is currently being held in abeyance awaiting the outcome of this application.
- 3.2 The most relevant policies are P5/3 of the Tonbridge and Malling Borough Local Plan and HP2 of Kent and Medway Structure Plan, concerning opportunities to maximize the use of land in urban areas.

4. Consultees:

- 4.1 PC: No objection in principle but consider that vehicular access is inadequate in the currently proposed form. Part of the access is via a private road and a public footpath, neither of which is in the ownership of the applicant.
- 4.2 KCC PROW: Notes that two adjoining footpaths may be affected and should be maintained to a level suitable for use by pedestrians and a higher level for vehicle use. This would be the responsibility of the applicants and would include appropriate reinstatement following any damage during construction.
- 4.3 KCC (Highways): No objections to additional vehicle movements generated by a one bedroom bungalow. The applicant is to ensure that this proposal does not affect the route or integrity of the surfacing of the PROW both during and after construction. Liaison with the PROW officer is essential.

Supports the application subject to conditions/informative.

- 4.4 Private Reps: 17/OX/OS/1R. Objections raised to a change of view and reduction of house prices, neither of which are planning matters. Reference is also made to the container currently representing an eyesore. This matter has been the subject of an enforcement investigation as mentioned in 3.1 above.

5. Determining Issues:

- 5.1 In terms of policies P5/3 and HP2, the proposal makes use of a piece of urban land within the confines of the town, although the form and standard of accommodation may not be of a generous standard.
- 5.2 The plot identified is small and of a different shape to the terraced houses to the east and south. The plot sizes of the newer terraced to the south are however of a similar size. There are no other bungalows in the immediate vicinity. So, although

the plot size is confined and the nature of the proposed development is not in keeping with adjacent development, it would be well separated from houses to the east and being single storey would not result in overlooking towards them.

- 5.3 With regard to access rights the agent has provided statutory declarations from previous owners of number 93 dating from 1977 and a letter from TMBC dated 1975. It is also stated that numbers 95 & 97 have had no rear access since 1975. As mentioned above the relevant statutory notices under the Planning Acts have been served and a newspaper advert carried out with no response.
- 5.4 The Highways Engineer notes that the provision of one parking space is sufficient for a one bedroom bungalow. Another consideration is the loss of the garage facilities for the occupants of number 93. The existing garage is not conditioned to be retained for parking in connection with the existing dwelling and therefore could be removed at any time. A single parking space is however being provided in the rear garden of number 93 with room in front to park a second vehicle. This arrangement is acceptable to the Highways Engineer.
- 5.5 It is concluded that whilst the plot size is small and the form of development different from that nearby there would be no planning objection to the principle of a small bungalow. Careful consideration would be required at the detailed stage.

6. Recommendation:

- 6.1 **Grant Outline Planning Permission**, as outlined on the site plan received 24.04.2006, documents and drawing number 0603/01 received 27.03.2006, ownership certificates received 15.05.2006 and 22.06.2006 and subject to the following conditions:

- 1 Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (within the upper and lower limits for the height, width and length of each building stated in the application hereby approved) (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority. (Z007)

Reason: No such approval has been given.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 4 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.

- 5 No building shall be occupied until the area shown on the submitted plan as 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.

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

- 6 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others 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.

- 7 The details submitted pursuant to condition 1 shall be for a single storey dwelling only, with no accommodation in the roof space.

Reason: To safeguard the amenity of the area.

- 8 The existing structures at the site shall be demolished/removed and all materials resulting therefrom shall be removed from the land before any other development commences, or within such period as shall have been agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the area.

- 9 Prior to the development hereby approved commencing, details of the slab level of the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: To safeguard the appearance of the area.

- 10 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 and B, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001)

Reason: To safeguard the appearance of the area.

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 The granting of planning permission confers no other permission or consent on the developer. No work can be undertaken on a Public Right of Way without the express consent of the Highways Authority. The Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width of the path. This includes any building materials or waste generated during any of the construction phases.

Contact: Hilary Johnson