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**Report of 26 April 2007**


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**East Malling & Larkfield**                      **569853 157125**                      **5 March 2007**                      **TM/07/00617/FL**  
 East Malling

Proposal:                      Revised application for two storey three bedroom dwelling  
 Location:                      51 Mill Street East Malling West Malling Kent ME19 6BU  
 Applicant:                      John Childs And Associates

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**1. Description:**

- 1.1 The proposal is for the erection of a two storey three bedroom dwelling with integral garage and parking on land to the rear of 51 Mill Street, East Malling.
- 1.2 The applicant has provided an amended floor plan showing the side elevation window removed from 'bedroom 1' at first floor level. Whilst an amended elevation plan has not been provided, the window has been removed from this application.

**2. The Site:**

- 2.1 The application site fronts Cottenham Close and is located within rural settlement confines. It is noted that the application site is currently a cleared, vacant lot and that the site is surrounded by residential land uses.

**3. Planning History:**

TM/85/10617/OUT    Refuse                      29 March 1985

Outline application for detached house and garage including new access.

TM/85/10895/FUL    Refuse                      30 September 1985

Detached bungalow with access and parking.

TM/06/04110/FL     Refuse                      7 February 2007

Erection of two storey three bedroom dwelling.

- 3.1 An outline application (TM/85/10617/OUT) was refused in 1985 for a detached house and garage including new access on the site. A second application (TM/85/10895/FUL) for a detached bungalow with access and parking was also refused in 1985 and a subsequent appeal dismissed. Previous reasons for refusal and the appeal dismissal relate to the proposal resulting in an undesirable cramped form of development on a restricted site out of keeping with the character

of the area and detrimental to the amenities of the adjoining properties and future occupiers of the dwelling; and unacceptable degrees of overlooking and loss of privacy and light to the rear garden of 53 Mill Street.

#### 4. Consultees:

- 4.1 PC: No comments received at the time of writing this report. Any comments received will be reported in a supplementary report.
- 4.2 KCC (Highways): No objection. The submitted drawing number 980/01 shows the provision of two off street parking spaces of suitable size. I would therefore raise no objections. It is assumed that the other 'grey' area on the plan that was to be parking on the previous submission is not included in this one. The applicant will need to liaise with the Highway Manager regarding the vehicle crossover. All works to be done to his specification and satisfaction. Surface water from private areas is not to discharge onto the public highway.
- 4.3 Private reps: 9/0X/4R/0S + 3 other responses raising the following issues:
- The size of the development on such a small plot is totally inappropriate, cramped development.
  - Siting of the dwelling to the rear of the site is unacceptably close to adjoining site (53 Mill Street) and will result in loss of sunlight to garden and patio and be overly intrusive. Other residential development in East Malling has been bungalow development to overcome this problem. Siting of (high use) kitchen at the rear will impinge on the privacy of 53 Mill Street.
  - Surrounding properties would be overlooked. Concern particularly over side window in first floor bedroom 1 looking into 2 Cottenham Close (*DPTL note: This window has been removed from the application*). First floor bedroom window in bedroom 2 overlooks rear garden of 53 Mill Street.
  - East Malling has had a great deal of development thrust upon it in recent years, and is in great danger of losing its village status.
  - Existing traffic issues in Mill Street, including access point from Cottenham Close to Mill Street, on-street parking demand and difficulties manoeuvring within Cottenham Close.
  - Minimum distance of 5.5m in front of garage is not provided.
  - Additional parking area on the site will result in larger dropped kerb and a loss of existing on-street parking.
  - Loss of light to rear garden and ground floor living areas of 51 and 53 Mill Street due to height and size of dwelling.
  - Concern over lack of visibility in the proposed parking area.
  - Concern that materials will not be in keeping with area
  - Proposed building does not align with neighbouring properties.
  - Other issues raised : mains drainage not directly accessible, plot area incorrect on application, building area incorrect in application, soil contamination unknown, internal room sizes too small, integral garage out of

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keeping with area, blank elevation will be an unpleasant view to 53 Mill Street, loss of landscaping, fire rating to rear of dwelling will be required through Building Regulations.

## **5. Determining Issues:**

- 5.1 The site is within Rural Settlement confines where, in principle, the construction of a new dwelling is acceptable where it is appropriate to the character of the rural settlement, subject to meeting the requirements of all other relevant policies. The main issues are whether the proposal will unacceptably harm the amenities of neighbouring residents, the street scene and whether it will affect the functioning and safety of the public highway.
- 5.2 The key policies to consider in relation to the proposal are policies QL1 of the Kent and Medway Structure Plan 2006 (KMSP), and policy P4/11 of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP). Policy QL1 outlines that the design of development should respond positively to the scale, layout, pattern and character of the local surroundings and not be detrimental to the built environment, amenity or character of settlements. TMBLP 1998 policy P4/11 essentially addresses similar issues to the KMSP by requiring consideration of scale, mass, form, layout, height, quality of design and materials and their impacts on adjacent buildings and the surrounding area. Also relevant is TMBLP 1998 policy P7/18 which requires that adequate on-site parking be provided.
- 5.3 The proposed development is similar to the previous refused schemes; however, I consider that the design and siting of the dwelling is more appropriate within the site. The location of the dwelling has been moved towards the rear boundary of the site, however, I note that a single storey portion of the building is located closest to the boundary with the two storey portion located a minimum of 2.1m from the rear boundary. Although two storey, the dwelling is compact in form and design and generally located central to the site. Due to the setback of the dwelling from the site boundaries, and the setback of adjoining buildings, the proposal will not adversely affect access to sunlight and daylight for neighbouring dwellings. I note that open space and parking is provided at the front of the site, which is in keeping with the character of the area.
- 5.4 Although the kitchen, a high use habitable room, is in the rear portion of the building, I do note that it will be single storey and therefore it will not result in overlooking of adjoining properties and with boundary fencing / screening there will be no loss of privacy from the kitchen. The first floor window to bedroom 2 adjacent to the rear boundary will overlook part of the rear garden of 53 Mill Street. However, the proposal will not have a direct outlook to the private garden area closest to the rear of the house at number 53. Accordingly, I consider that any loss of privacy resulting from overlooking from this window will not be significant.

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- 5.5 Kent Highways has raised no objection to the application, noting that the required two parking spaces of sufficient dimensions are provided on the site. The applicant will need to liaise with Kent Highways regarding a new vehicle crossover.
- 5.6 Overall it is considered that the proposal would not have an adverse impact on the character of the area, the residential amenities of the surrounding properties or the traffic / parking of the area. On this basis the proposal is considered to be acceptable in terms of policy QL1 of the KMSP 2006 and P4/11 and P7/18 of the TMBLP 1998.

## **6. Recommendation:**

- 6.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 05.03.2007, Design and Access Statement dated 05.03.2007, Site Plan dated 05.03.2007, Letter dated 23.02.2007, Drawing 980/01 dated 23.03.2007, subject to compliance with the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

4. 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 north, west or south elevation(s) of the building at first floor level 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.

5. For the avoidance of doubt, there shall be no flank window provided to 'bedroom 1', as confirmed by the amended floor plans received on 12 April 2007.

Reason: To clarify the intention of the approved plans and in the interests of the privacy of adjoining properties.

**Informatives:**

1. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highways Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
2. Surface water from private areas is not to discharge onto the public highway.

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