

**East Malling & Larkfield**                      **569834 157038**                      **26 November 2007**                      **TM/07/03416/FL**  
East Malling

Proposal:                      Erection of 3 bedroom chalet bungalow  
Location:                      Land Rear 51 Mill Street Off Cottenham Close East Malling  
   West Malling Kent  
Applicant:                      Mr Simon Wood

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**1. Description:**

- 1.1 This proposal is for the erection of a detached chalet bungalow. The proposed chalet bungalow will provide three bedrooms and will stand 3.15m high to the eaves and 6.4m high to the ridge. The proposal includes small pitched roof dormers and a chimney breast on the northeast flank elevation. The proposed chalet bungalow will be accessed from Cottenham Close and will be served by two parking spaces. The application has been amended insofar as the design and size of the chalet bungalow has significantly changed, the number of bedrooms reduced from 4 to 3 and the parking layout altered.
- 1.2 The application is being reported to Committee following a request from Cllr Mrs Simpson.

**2. The Site:**

- 2.1 The application lies within the rural settlement confines of East Malling and to the rear of 51 Mill Street. The site fronts onto Cottenham Close and is currently a cleared site, between 51 Mill Street and 2 Cottenham Close. It is an irregular shaped site and relatively level. The surrounding properties are predominantly two storey dwellings dating from the 1960s and 1970s, apart from a bungalow on the opposite side of Cottenham Close. To the west of the site lies the rear garden of 53 Mill Street and beyond this the Mill Street Conservation Area and the recently completed Upper Mill housing development.

**3. Planning History (Most relevant):**

- 3.1 TM/07/00617/FL      Refused                      25 May 2007  
Revised application for two storey three bedroom dwelling.
- 3.2 TM/06/04110/FL      Refused                      7 February 2007  
Erection of two storey three bedroom dwelling.
- 3.3 TM/85/1152              Refused                      30 September 1985  
Appeal Dismissed      28 November 1986  
Detached bungalow with access and parking.

3.4 TM/85/142                      Refused                      29 March 1985  
Outline application for detached house and garage including new access.

**4. Consultees:**

4.1 PC: No objection but make the following observations:

- Plans do not show neighbouring properties so we don't know if rear first floor windows will cause any distress for No.2 Cottenham Close (the neighbouring property);
- The property would appear to be nearer the road than that of the neighbouring properties, this breaking the "street line";
- Two small windows facing No.2 could be done in opaque glass if a problem for neighbours, one is a toilet window the other utility room;
- Is there sufficient off road parking for two average size cars? The drawing shows two vehicles of little over 10 feet in length;
- The application, if successful, will add two more vehicles to Mill Street and must not be lost when considering future Mill Street development applications.

4.2 DHH: No objection.

4.3 KCC Highways: In principle, I raise no objections to the construction of a new dwellinghouse on the application site, subject to suitable access and parking. The amended design shows a new parking layout and the parking layout is acceptable for a three bedroom dwelling.

4.4 EMCG: The site has a history of 4 previously refused applications, after this parcel of land was split from being with the garden of 51 Mill Street. The grounds for these refusals should be considered when this application is assessed. The refusals, albeit worded differently, are broadly the same: overdevelopment of the site and the impact on neighbouring properties and setting within its environment.

4.4.1 The proposal may look acceptable via a cursory glance but if you study the details, on all areas that should consider the grounds of refusal of the previous application have not been addressed:

- The footprint has increased by 12%;
- The elevation that faces Cottenham Close is larger and therefore has greater visual impact when viewed from the road or the neighbouring properties;
- It still has an overbearing impact to the property/garden to rear;

- There are no other chalet bungalows in the area and therefore will look out of place;
- The bedrooms have increased from 3 to 4;
- The proposed development would comprise an undesirable cramped form of development on a restricted site;
- It would be out of keeping with the character of the area and detrimental to the amenities of the adjoining properties.

4.5 Private Reps: 6/0X/0S/6R. Six letters received objecting on the following grounds:

- Insufficient parking provided;
- Boundary fence obscures forward vision when exiting the site;
- Dwelling is forward of adjoining houses;
- Loss of light due to difference in ground levels;
- Loss of privacy;
- Bungalow would be preferable on this site.

4.6 A8 Site Notice & Press Notice: No response.

**5. Determining Issues:**

- 5.1 The main issues to be considered are whether the proposal will detract from the visual amenity of the locality, whether it harms the residential amenity of nearby dwellings and whether the proposal will constitute a highway hazard.
- 5.2 The site lies within the rural settlement confines of East Malling, where minor residential development is deemed acceptable under policy CP13 of the Tonbridge and Malling Borough Core Strategy 2007 and HP5 of the Kent & Medway Structure Plan 2006. Government advice in PPS3: Housing also lends support to this form of development. Therefore, the principle of residential development on this site is acceptable.
- 5.3 However, the application site has been subject to a number of refusals in the past 25 years and I will highlight how the applicant has sought the address the following previous reasons for refusal:
- TM/07/00617/FL: Development in close proximity to the boundary, resulting in an overbearing and oppressive development to the neighbouring properties;
  - TM/06/04110/FL: Absence of adequate parking provision;

- TM/85/1152: Undesirable cramped form of development and detrimental to the amenities of neighbouring properties;
- TM/85/142: Undesirable cramped form of development and detrimental to the amenities of neighbouring properties. Loss of light and privacy to No.53 Mill Street.

- 5.4 The proposed chalet bungalow has been reduced in terms of its footprint, height and repositioned on the site. The proposed footprint is to be 53.8 square metres, compared to 62.1 square metres under planning application TM07/00617/FL and 59.9 square metres under planning application TM/06/00410/FL. Therefore, the proposed footprint is the smallest yet for this site and when combined with its plot size, its relatively low density of 37 dwellings per hectare and reduced height, will not result in overdevelopment of the site or result in a cramped form of development. Therefore addressing the reasons for refusal from the 1980s decisions.
- 5.5 The proposal has also been pulled away from the boundary with No.53 Mill Street, in order to remove concerns relating to excessive development close to the boundaries. The proposed dwelling will be now between 3.5m to 5.9m from the boundary with No.53. This is an increase of 1.5m compared to the last planning application TM/07/00617/FL. The height of the proposed building has also been reduced by 1.6m to 6.4m high to the ridge, whilst the eaves have also been significantly dropped by 2.15m to just 3.15m high. These alterations significantly reduce the bulk, scale and massing of development in proximity to the boundary. Therefore, the proposal addresses previous concerns relating to the overbearing and oppressive impact on the neighbouring property.
- 5.6 Concern has been raised that the chalet bungalow will be forward of the notional building line in Cottenham Close, however, it will be set back 5.1m from the back edge of the footway. This is a very similar set back as 2, 4 and 6 Cottenham Close and also the flank elevation of 51 Mill Street where it faces onto Cottenham Close. Local residents are also concerned that the building will be 0.8m closer (compared to TM/07/00617/FL) to the rear boundary fence of 51 Mill Street. However, there will be a gap maintained of 3m to 4.3m. When it is combined with the reduction of the height of the building of 1.6m on gabled elevation, I do not consider that the proposal will result in an overbearing or oppressive impact upon 51 Mill Street.
- 5.7 The design and appearance of the chalet bungalow is simple and features small pitched dormers. Whilst, there are no other chalet bungalows within the immediate vicinity, I consider that given the site's particular restraints and mix of surrounding building styles, I am satisfied that the proposal will not harm the visual amenity of the locality.

- 5.8 The proposal will not result in the loss of sunlight or background daylight to any of the nearby dwellings, ie, 2 Cottenham Close, 51 Mill Street or 53 Mill Street due to its physical relationship to the nearby houses and reduced height, even taking into consideration the slight difference in ground levels.
- 5.9 Local residents have raised concern that the proposal will result in the loss of privacy to neighbouring properties. The proposal does not include any first floor windows in the side elevations overlooking 2 Cottenham Close, 51 or 53 Mill Street. On the rear elevation, two first floor dormer windows are proposed, one of which will be obscure glazed as it serves a bathroom. The remaining window serves the third bedroom and overlooks the rear gardens of a number of properties. However, there is no direct interlooking between windows on any adjoining properties less than 21 metres away. The angle between the proposed dormer window and the rear windows of 53 Mill Street is too acute to result in loss of privacy. It should also be noted that loss of privacy was not a ground of refusal on either of the two recent applications. Therefore, the proposal will not result in the loss of privacy to the neighbouring properties.
- 5.10 In highway terms, KCC Highways raise no objection to the creation of a dwelling in this location or the impact of its associated limited traffic movements. The parking layout shows the provision of two parking spaces which accords with KVPS, which have been amended to ensure compliance with the minimum parking dimensions. The amendment also moves the parking spaces further away from boundary with No.2 Cottenham Close, thereby improving visibility. Therefore, the proposal will not constitute a highway hazard.
- 5.11 In light of the above considerations, I am satisfied that the proposal will not detract from the visual amenity of the locality, will not harm the residential amenity of the locality and will not constitute a highway hazard. In addition, the proposal adequately addresses all the previous grounds of refusal and therefore I support this proposal.

## **6. Recommendation:**

- 6.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 14.09.2007, Design and Access Statement dated 14.09.2007, Site Plan dated 14.09.2007, Letter dated 26.11.2007, Drawing 980C/10 dated 04.12.2007 subject to 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. 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. 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. No development shall take place until details of the slab level have been submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the locality nor the residential amenities of the neighbouring properties.

5. The first floor window bathroom window on the northwest 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.

6. 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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. 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 first floor elevation 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.

8. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety. (N015)

9. The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter. (H017)

Reason: In the interests of highway safety.

10. 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. (R004)

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

### **Informatives**

1. 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.
2. Surface water from the application site shall not discharge onto the public highway.
3. 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.
4. 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)

Contact: Aaron Hill