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**Wouldham**                                      **571260 163779**                                      **22 November 2007**                                      **TM/07/03685/FL**  
Burham Eccles  
Wouldham

Proposal:                                      Demolition of side extension and erection of new two storey house with off street car parking  
Location:                                      7 High Street Wouldham Rochester Kent ME1 3XD  
Applicant:                                      Mr P Orchard

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**1. Description:**

- 1.1 Members will recall that this application was deferred from the December Area Planning Committee No.3 (copy of report attached as an Annex) for a Members Site Inspection. The Inspection was held on the 15 January 2007 at 08:30 hours.
- 1.2 The applicant has submitted a letter clarifying parking provision and the side access which reads as follows:

*"I can confirm that the access road and parking spaces to the rear of 7 to 13 High Street were provided by the developer of the adjacent terrace of houses to the south and have been in use by the occupiers of 7 to 13 High Street for some years now. Each of the four dwellings has two parking spaces and in addition, No.7 High Street has a further space on the High Street frontage.*

*This application proposes that the existing frontage space be widened to allow two cars to park side by side. These spaces would serve the new dwelling. The two spaces at the rear would serve the existing dwelling at No.7, as they currently do. In these circumstances, the access road and the car parking spaces to the rear are not affected by this application and for that reason are not part of the application proposal and site."*

**2. Consultees (bought forward from supplementary report):**

- 2.1 PC: No comments on parking details but still feel that this development is not in keeping with the rest of the locality and object to the main proposal most strongly.

**3. Determining Issues:**

- 3.1 The rear parking spaces to serve the existing dwelling, No.7 High Street have been informally provided in the rear garden with direct access from the access road. The hardstanding of these parking spaces does not require the benefit of a planning application. The applicant is just seeking to formalise an existing informal parking area serving the existing dwelling. Therefore, there is no requirement for the applicant to extend the red line to include the adjacent access road.

3.2 The access road to the rear parking areas was provided as part of a Section 106 obligation attached to the School Lane residential development granted planning permission under TM/99/1428/OA. Section 10.3 of the legal agreement reads as follows:

- *Prior to the occupation of the last dwelling on the development (but only on the written request of the Council) the Owner shall construct and make up a roadway to standards reasonably fit for use as a private vehicular access to the rear and outside the curtilage of numbers 7,9,11 and The Village Hall, Temperance Row Wouldham.*

3.3 This access has been provided and used as a vehicular access to the rear gardens of the neighbouring properties, the majority of which have formalised parking areas provided off the access road. The Section 106 Legal Agreement has provided a vehicular access to the rear garden of No.7 High Street and there is no intervening land between the rear garden of No.7 High Street and the rear access. The applicant currently uses the rear garden for parking, albeit on a more infrequent basis. I am satisfied in these circumstances that a permitted vehicular access exists to the rear garden and that the proposed two formal parking spaces can be provided and controlled by condition.

3.4 I also can confirm that the applicant intends to submit further information regarding the rights of access. This information will be included in the supplementary papers.

3.5 In light of the above considerations and those raised in my original report from December 2007, I satisfied that the proposal is acceptable.

#### **4. Recommendation:**

4.1 **Grant Planning Permission** in accordance with the following submitted details: Letter received 10.01.2008, Letter dated 09.10.2007, Report dated 09.10.2007, Design and Access Statement dated 17.10.2007, Site Plan 657/LOC dated 09.10.2007, Location Plan 657/1 dated 09.10.2007, Drawing 657/2 dated 09.10.2007, Drawing 657/3 dated 09.10.2007, Floor Plan 657/4 dated 09.10.2007, Floor Plan 657/5 dated 09.10.2007, Elevations 657/6 dated 09.10.2007, Elevations 657/7 dated 09.10.2007, Elevations 657/8 dated 09.10.2007, Floor Plan 657/11 dated 09.10.2007, Floor Plan 657/12 dated 09.10.2007, Drawing 657/13 dated 09.10.2007, Elevations 657/14 dated 09.10.2007, Elevations 657/15 dated 09.10.2007, Elevations 657/16 dated 09.10.2007, Site Plan 657/9A dated 22.11.2007, Acoustic Assessment 071003/1 dated 12.11.2007, Site Plan 657/10A dated 22.11.2007 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 until the area shown on the submitted layout as replacement vehicle parking spaces for the existing dwelling at 7 High Street has been provided, surfaced and drained. The new dwelling hereby approved shall not be occupied until the vehicle parking spaces for that dwelling has been provided, surfaced and drained. Thereafter all parking spaces hereby approved shall be kept available for such use and no permanent development, whether or not permitted by the Town & 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 space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

4. The first floor windows on the south 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.

Reason: To minimise the effect of overlooking onto adjoining property.

5. 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.

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

6. No development shall commence until details of the surface water and foul drainage have 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 thereafter.

Reason: In the interests of pollution prevention.

7. No development shall commence until details of the slab levels have 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 thereafter.

Reason: In the interests of the visual amenity of the locality.

8. 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.

### **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. There shall be no surface water run off from the application site onto the public highway.
3. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highway 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 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](mailto: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.

Contact: Aaron Hill