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**East Malling & Larkfield**                      **569523 157356**                      **29 January 2008**                      **TM/07/04392/OA**  
East Malling

Proposal:                      Outline application to remove existing dwelling and erect 5 dwellings with associated parking  
Location:                      173 Mill Street East Malling West Malling Kent ME19 6BW  
Applicant:                      Miss J Pakenham-Byrne

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**1. Description:**

1.1 This outline application proposes the demolition of the existing bungalow and the construction of five two storey dwellings arranged in a pair of semi-detached properties fronting Mill Street and a terrace of three fronting onto the public footpath to the southern boundary of the application site. The application is submitted in outline form only with the access and layout to be agreed at this stage. The submitted layout plan indicates the provision of 11 parking spaces. Details of scale, external appearance and landscaping are to be dealt with as Reserved Matters.

**2. Reason for reporting to Committee:**

2.1 Requests from Cllrs Simpson and Woodger due to concerns about overdevelopment on the site and being out of character with the street scene.

**3. The Site:**

3.1 The application relates to the plot of number 173 Mill Street, a detached bungalow set on the western side of the road in a slightly elevated position. The site falls within the defined confines of the village with part of the Conservation Area to the south east. To the west of number 173 is a detached house with countryside beyond. To the north there is a detached outbuilding in the rear corner of the garden of number 175. An unmade track/PROW runs along the south side of the site.

**4. Planning History:**

TM/59/10483/OLD    Grant with conditions                      20 October 1959

Outline Application for 6 Dwellings and Vehicular Access.

TM/61/10663/OLD    Grant with conditions                      4 January 1961

Bungalow, garage and vehicular access.

TM/71/10808/OLD Grant with conditions 15 November 1971

Additional room for use as study.

TM/72/11459/OLD Grant with conditions 14 April 1972

Conservatory.

TM/04/03955/OA Refuse 25 January 2005

New detached four bedroom house/chalet bungalow

TM/06/01209/OA Refuse 25 July 2007

Outline Application for proposed 3 bedroom chalet bungalow and detached garage

## **5. Consultees:**

- 5.1 PC: Strongly object on the grounds of overintensification of a small plot which would involve clearing of mature trees and loss of green space. Access is via a public footpath and right of way for new properties is uncertain. Poor sight lines onto Mill Street and the access is too narrow. Scheme is against policy for not allowing development in rear gardens. Detrimental impact on visual aspect of the immediate area and the adjacent CA.
- 5.2 KCC (Highways): No objections in principle.
- 5.3 KCC (PROW): Proposal directly affects Public Footpath MR117. Public access exists only for pedestrians. KCC has a controlling interest in ensuring that the footpath is maintained to a suitable level for pedestrians only.
- 5.4 DHH: None received.
- 5.5 East Malling Conservation Group: Objects to the application on the grounds of over development, detrimental impact on surrounding properties/environment and Conservation Area, impact on public footpath and impact on traffic movements.
- 5.6 Private Reps: 14/0X/7R/0S + ART8 + Press & Site Notices (Conservation Area). Seven letters of objection received raising the following concerns:
- Overdevelopment of the site.
  - Out of character with the semi-rural setting.
  - Inappropriate access over a public footpath.

- Overlooking of adjacent properties.
- Existing property respects the character of the area.
- Development would result in a loss of trees.
- Hazardous exit onto Mill Street for the number of vehicles proposed.

**6. Determining Issues:**

- 6.1 The application is submitted in outline form only with the access and layout to be agreed at this stage and all other matters reserved for future consideration.
- 6.2 The site is within the village confines of East Malling and as such there is the opportunity of limited infilling under Policy CP13 of the LDF Core Strategy, subject to the trip generation projected as being less than that associated with the former use, the development creating some significant improvement to the appearance, character and functioning of the settlement, or if there is an exceptional local need for affordable housing.
- 6.3 Policy CP24 of the LDF Core Strategy is also of relevance to this application. This policy states that new development must through its siting, character and appearance be designed to respect the site and its surroundings. The policy goes on to state that development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character will not be permitted.
- 6.4 The site has been subject to a number of applications in the past for development in the rear garden and the retention of the existing house to the front. These applications were refused due to concerns regarding the impact on the surroundings, overlooking and loss of privacy.
- 6.5 The current application proposes the demolition of the existing bungalow and the construction of a pair of two storey semi-detached houses facing Mill Street and a terrace of three houses to the rear of the building, Five parking spaces are indicted in front of the properties facing Mill Street and six adjacent to the side of the rear terrace. These spaces are accessed from the existing access to 171 that is also a public footpath.
- 6.6 The development proposed would be out of character with the adjoining row of bungalows to the north of the site. The development would not result in a significant improvement to the appearance of the area as two storey dwellings would be out of keeping with the adjacent single storey properties. By developing in the rear garden area the outlook from the adjacent houses would be reduced and also there would be a potential for mutual overlooking between the units. The development would therefore be contrary to Policies CP13 and CP24 of the Tonbridge and Malling Core Strategy.

- 6.7 The works would result in the loss of numerous trees from the site and given the spread of the works across the site it is unlikely that any of the trees could be retained and this would be to the detriment of the character of the area.
- 6.8 The alterations to the access, loss of the trees and overall bulk of the works proposed would have an adverse impact on the character and setting of the Conservation Area to the south due to the loss of the semi—rural setting of the rear garden and footpath.
- 6.9 The development proposes five dwellings. East Malling is a rural settlement and so under Policy CP 17 of the Core Strategy there would normally be the requirement to provide 40% affordable housing on the site if an application proposes five or more dwellings. No mention is made of this in the application and so there is an objection in principle to the scheme.
- 6.10 Overall there are numerous concerns relating to the development that do not address the previous reasons for refusal and raise further issues due to the amount of development proposed. The works are therefore considered to be unacceptable.

## **7. Recommendation:**

### **7.1 Refuse** the application for the following reasons:

1. On the basis of the information provided and the illustrative plans it is considered that a development of five no. dwellings could not be accommodated on the land without adverse impact on the residential amenities of the neighbouring properties, the character of the street scene, the existing trees at the site, the safety of the public footpath that would form the access to the site and the setting of the Conservation Area to the south. The proposal is therefore considered to be contrary to Policies QL1 and QL6 of the Kent and Medway Structure Plan 2006 and Core Strategy Policies CP13 and CP24 of the Local Development Framework for Tonbridge and Malling.
2. The application does not provide for affordable housing on the site. The application is therefore contrary to Core Strategy policy CP17 of the Local Development Framework for Tonbridge and Malling.

Contact: Robin Gilbert