



**4. Recommendation:****4.1 Grant Planning Permission** in accordance with the following submitted details:

Letter dated 21.11.2007, Design and Access Statement dated 21.11.2007, Existing Plans and Elevations 1288. 1001 dated 21.11.2007, Proposed Plans and Elevations 1288. 1002 dated 21.11.2007 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. 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 gym shall be used only for purposes incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried out therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

4. 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.

Contact: Aaron Hill



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

TM/00/01161/FL Refuse 25 August 2000

Change of use to health and leisure club with proprietor's accommodation and visitors' car parking

TM/85/11626/FUL Grant with conditions 9 August 1985  
(TM/85/869)  
Detached garage and workshop.

TM/87/10491/FUL Grant with conditions 21 October 1987  
(TM/87/1601)  
Gymnasium.

TM/90/11006/FUL Grant with conditions 27 February 1990  
(TM/90/9)  
Swimming pool and covered enclosure.

TM/06/03893/FL Refuse 1 February 2007

Conversion of existing garage workshop to provide accommodation ancillary to the main house.

TM/06/03894/FL Refuse 29 January 2007

Tennis court.

TM/07/04165/FL Refuse 15 January 2008

Tennis court.

**4. Consultees:**

4.1 PC: If the existing garage had planning permission, then we have no objection to change of use.

4.2 DHH: No objection.

4.3 KCC Highways: In this instance, the application site incorporates suitable alternative curtilage parking for private use and is served from Kingswood Road, a private street. I therefore raise no objection.

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4.4 Private Reps & A8 Site Notice: 2/0X/0S/2R. Two letters received objecting on the following grounds:

- Building is some distance from the main house;
- Increase in traffic movements;
- Why is a car park needed;
- Too remote from the main house;
- Main house has been already redeveloped;
- Proposal relates a commercial operation.

## 5. Determining Issues:

5.1 The main issues to be considered are whether the proposal is appropriate development, whether the proposal detracts from the visual amenity of the locality and whether the proposal will constitute a highway hazard.

5.2 The conversion of a rural building for ancillary accommodation to an existing dwellinghouse is deemed acceptable in principle under saved policies P6/14 & P6/15 of the Tonbridge and Malling Borough Local Plan 1998. Further support for conversion of rural buildings is also provided in PPS7: Countryside & HP5 of the Kent & Medway Structure Plan 2006. Therefore, the proposed conversion of this existing domestic garage workshop building to an ancillary gym is an appropriate form of development in this rural location. I can also confirm that the garage workshop was originally granted planning permission in August 1985 under reference TM/85/869 (85/11626/FUL).

5.3 I note local residents have raised concerns that the previous application TM/06/03893/FL for additional living accommodation was refused in February 2007 and that the current proposal is very similar. However, current proposal is very different from the earlier application, as that application involved enlarging the building as well as creating a separate dwellinghouse by default. The earlier application was laid out as an independent dwelling with two bedrooms, kitchen, study, dining room, lounge and utility room, but was described as ancillary accommodation. The current application is solely for a private gym used in connection with the main house. Whilst the building is some distance from the main house, the use as a gym is ancillary rather than the separate living accommodation previously proposed. It should be noted that concerns over the future use of the building can be controlled by condition.

5.4 The proposal does not involve any extension or addition to the existing building, nor involves any reconstruction works. The existing building is a relatively unattractive structure within an existing residential curtilage, and has no historic or

architectural merit. The proposed alterations will enhance the visual appearance of the building, in particular changing felt roofing to slate tiles. The proposed meets the criteria set out in the Saved policies P6/14 and P6/15 of the TMBLP 1998.

- 5.5 The proposal will not result in the loss of any privacy, sunlight or background daylight to neighbouring properties.
- 5.6 As with the proposed gym being ancillary to main dwelling, it does not require any separate parking spaces. The existing vehicular access and parking areas are to be retained, in addition to the main parking spaces serving White Lodge, accessed from Old Chatham Road. Therefore subject to the imposition of a condition ensuring that the gym is not run as a commercial business, the proposal will not result in hazardous conditions on the nearby public highway. Members will also note that the roads within Kits Coty are private roads and that KCC Highways have raised no objection to this proposal in so far as it impacts on the public highway.
- 5.7 In light of the above considerations, I am satisfied that the proposal is appropriate development, will not detract from the visual amenity of the locality and will not constitute a highway hazard, therefore I support this proposal.

## **6. Recommendation:**

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