

**East Malling & Larkfield**                      **569871 157141**    **3 March 2008**                      **TM/08/00732/FL**  
East Malling

Proposal:                      Erection of single storey 3 bedroom 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- 1.1 Members will recall that this application was withdrawn from April APC3 agenda following the applicant submitting amended plans.
- 1.2 This proposal is for the erection of a detached bungalow. The proposed bungalow will provide three bedrooms and will stand 2.7m high to the eaves and 5.2m high to the ridge. The proposed bungalow will be served by an integral garage and parking space in front. The proposed residential unit will be accessed from Cottenham Close. The proposed building will be sited centrally within an irregular shaped plot.
- 1.3 The application has been amended insofar as the garage has been enlarged and repositioned further into the plot and the depth of the parking space in front increased. The applicant has also submitted a further letter confirming that the garage will be fitted with a roller shutter door.

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

- 2.1 The application is being reported to Committee following a request from Cllr Mrs Simpson.

**3. The Site:**

- 3.1 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 lays the rear garden of 53 Mill Street and beyond this the Mill Street Conservation Area and the recently completed Upper Mill housing development.

**4. Planning History:**

- 4.1 TM/07/03416/FL      Refused                      10 January 2008  
Erection of 3 bedroom chalet bungalow.

- 4.2 TM/07/00617/FL Refused 25 May 2007  
Revised application for two storey three bedroom dwelling.
- 4.3 TM/06/04110/FL Refused 7 February 2007  
Erection of two storey three bedroom dwelling.
- 4.4 TM/85/1152 Refused 30 September 1985  
Appeal Dismissed 28 November 1986  
Detached bungalow with access and parking.
- 4.5 TM/85/142 Refused 29 March 1985  
Outline application for detached house and garage including new access.

**5. Consultees:**

- 5.1 PC: No objection to this application which is welcomed as it is much improved compared to the previous applications. No objection to these revised details.
- 5.2 DHH: No objection subject to imposition of standard land contamination and refuse storage conditions.
- 5.3 KCC (Highways): The applicant has now submitted a revised parking layout plan, number 980C/11. It shows a garage of acceptable dimensions. The pedestrian door into the lobby still opens inwards into the garage thus restricting vehicle access. This door must open into the lobby. The plan shows a distance of 5.107m between the garage door and the boundary. This is still below the minimum requirement of 5.5. It is recommended that the garage door is set back a further 0.400m. If other constraints prevent this then I would find it acceptable subject to a roller door being used and not the 'up and over' type. This arrangement would permit a vehicle to stand clear of the public highway prior to operating the door. Subject to the above recommendations being taken on board, I would support the proposal.
- 5.4 Private Reps & East Malling Conservation Group: 5/0X/0S/4R: Four letters raising the following points:
- This site has a history of refused applications, which underlines the difficulties of any development;
  - The front of the building is 1.8m from the footway, several metres in front of the building line of Cottenham Close;
  - The rooms and garage are small, we would suggest the garage could be removed which would improve the sizes of the habitable rooms, but this is the responsibility of the developer.

If the APC3 believes that this application should be granted we strongly recommend that the following conditions apply, these reflect the reasons that the previous applications were refused:

- Habitation on a single level to be maintained;
- Change use of the garage will not be permitted;
- Any extension to the building will not be permitted;
- Any vehicular gates on the front boundary will not be permitted;
- Dropped kerb to be added for vehicle access.

**6. Determining Issues:**

- 6.1 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. In this context, it is also necessary to consider whether this scheme satisfactorily overcomes the reasons for refusal of the various schemes that have previously been considered on this site.
- 6.2 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.
- 6.3 Members will recall that there is a long planning history of refusals on this site for residential development both for two storey dwellings and for a chalet bungalow. The reasons for these applications being refused include excessive development close to the boundary, loss of privacy and harm to the amenity of adjoining residential properties. The applicant has now sought to address these concerns by proposing a single storey bungalow, with no first floor accommodation. Whilst the footprint of the proposed building has increased, the impact on the neighbouring properties has been significantly reduced. The combination of a reduction of the height and the omission of any first floor accommodation, removes previous concerns over the overbearing and excessive development, close to the rear and side boundary lines.
- 6.4 The proposed design and appearance is relatively simple and would not be out of keeping with the mixed style of properties in Cottenham Close. The proposed bungalow has been sited slightly further forward than on previous schemes, but is only single storey compared to adjacent two storey dwellings, 2 Cottenham Close and 51 Mill Street. It should also be noted that 51 Mill Street has a number of

single storey additions up to the back edge of the highway. Therefore, I do not consider that this proposal will unduly harm any notional building line. Therefore, the proposal will not detract from the visual amenity of the locality.

- 6.5 The absence of any first floor windows has overcome a previous reason of refusal relating to loss of privacy and overlooking. The ground floor windows would face onto either existing or proposed new boundary fences.
- 6.6 Given that the proposal will be single storey, and also taking into account its orientation and physical relationship to neighbouring properties, it will not result in the loss of any sunlight or background daylight to neighbouring properties.
- 6.7 The proposed three bedroom bungalow is proposed to be served by an integral garage and a parking space directly in front. This element of the proposal has been amended to increase the size of the garaging and parking spaces to comply with the Kent Vehicle Parking Standards. KCC Highways raises no objection to the revised layout subject to the use of a roller shutter door and changing the opening direction of the lobby door. The applicant has stated that they will install a roller shutter door to ensure that there is still sufficient space for a vehicle to stand off the highway. In terms of the opening direction of the lobby door, this matter can be controlled by condition. Therefore, the proposal will not result in hazardous highway conditions.
- 6.8 The size of rooms is not a material planning consideration apart from the internal dimensions of a garage, which has already been discussed above. In terms of the suggested conditions by the East Malling Conservation Group, these are covered in the main by a number of standard conditions for new residential development within a confined site and have been included in my recommendation below, where they are considered reasonable.
- 6.9 In light of the above considerations, I am satisfied that the proposal is visually acceptable, will not harm the residential amenity of neighbouring properties and will not result in hazardous highway conditions, therefore I support this proposal.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 03.03.2008, Design and Access Statement dated 03.03.2008, Location Plan dated 03.03.2008, Email dated 01.05.2008, Plan 980C/11 dated 03.04.2008 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. 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 roof of the building 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 the amenity and privacy of adjoining property.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

Reason: In the interests of highway safety.

9. 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.

10. No gates shall be erected across the vehicular access.

Reason: In the interests of highway safety.

11. The garage door shall be fitted with roller shutter doors and the lobby door to the garage shall open into the lobby rather than the garage. .

Reason: In the interests of highway safety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D and E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001)

Reason: In the interests of the residential amenity of neighbouring properties and the visual amenity of the locality.

13. The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles. (P009)

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

### **Informatives**

1. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

Contact: Aaron Hill