

**Wouldham**                      **571260 163779**    **17 October 2008**                      **TM/08/03186/FL**  
Burham Eccles  
Wouldham

Proposal:                      Demolition of side extension and erection of new two storey house with off street car parking. (Resubmission TM07/03685/FL)  
Location:                      7 High Street Wouldham Rochester Kent ME1 3XD  
Applicant:                      Mr Paul Orchard

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**1. Description:**

- 1.1 This proposal is for the demolition of an existing rear single storey flat roof extension and a side porch and for the erection of a new dwelling attached to the end of a terrace block. The proposed dwelling will provide three bedrooms and be constructed in a similar form and style as the existing terrace, including the continuation of the roof form and design.
- 1.2 The proposal will be served by two parking spaces provided off the existing vehicular access onto the High Street. The existing property will be served by formalising two parking spaces in the rear garden. A new pedestrian entrance will be created for the existing dwelling (No.7) by removing a small section of wall with railings on top fronting onto the High Street.
- 1.3 This scheme is resubmission following a previous application (TM/07/03685/FL) being dismissed at appeal. The applicant has amended the scheme from that considered by the Planning Inspector by changing a ground floor window to a door in the front elevation.
- 1.4 The application site area is 0.046 hectares (including the existing dwelling) which gives a density of 43 dwellings per hectare.

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

- 2.1 This application is being reported to Committee following a request from Councillor Roger Dalton.

**3. The Site:**

- 3.1 The application site lies within the rural settlement confines of Wouldham and just outside the River Medway floodplain. The site lies on the western side of the High Street, opposite the Medway Inn Public House and close to the junction with Hall Road. The property is a Victorian end of terrace house and has a small single storey side and rear extensions. The existing house is served by a parking space directing from the High Street, whilst also benefiting from an access to an occasionally used parking area to the rear of the property. This rear access also serves the remaining terrace properties, all of which have rear parking spaces.

The site lies below the street level and to the south stands a terrace of 2.5 storey modern dwellings. This is a particularly wide plot compared to the surrounding Victorian properties.

#### 4. Planning History:

TM/07/03685/FL	Refuse	14 March 2008
	Appeal Dismissed	19 September 2008

Demolition of side extension and erection of new two storey house with off street car parking.

#### 5. Consultees:

5.1 PC: The PC are firmly of the opinion that the developer has still failed to address all the issues relating to this proposed development, particularly those of the Inspector. In TMBC's Core Strategy, Policy CP23 states:

2/3. The development should make a positive enhancement of the area and not be detrimental to the build, environment and character of the settlement or the countryside.

4. The Council will seek to protect and wherever possible, enhance existing open space.

5.1.1 Kent & Medway Structure Plan 2006 – Policy QL1 states:

- i) Developments should respond positively to the character of the local surroundings.
- ii) a) Ensure the distinctive character of towns and villages is conserved and improved.
- iii) a) Consider the needs of all sections of the community.
- iii) c) Enhance the public realms.

5.1.2 It is clear to the Parish Council that the developer has not considered any of the above and they are of the view that this is an inappropriate development and urge the refusal of the application.

5.2 DHH: No objections.

5.3 KCC (Highways): This application is similar to a previous one, TM/07/03685/FL, that was refused but no highway reasons were attached. At appeal the inspector considered that parking could be addressed by condition. The submitted plans show proposals to remove an existing two storey side extension to the existing house and construct a new attached two storey, three bedroom dwelling. The existing house will be altered to suit the proposed changes and will provide two bedrooms. Parking requirements for a both two and three bedroom houses are the same, being up to two spaces; in this location I would expect to see the full

provision. The submitted plan shows the provision of two spaces on the frontage to serve the new build and it is stated that two spaces are located at the rear to serve the existing dwelling. I raise no objections to this proposal.

5.4 EA: No objections.

5.5 Private Reps: 22/0X/0S/0R.

5.6 A8 Site Notice: No response.

## **6. Determining Issues:**

6.1 Members will recall that they considered a similar proposal for the demolition of existing extension and the erection of a two storey dwelling at the Area Planning Committee No.3 on the 28 February 2008.

6.2 The applicant appealed against the refusal and the appeal was dismissed. However, the Planning Inspector in dismissing the appeal made a number of comments which are highly relevant to the current proposal. The key points considered by the Inspector were as follows:

*“Overall, whilst I accept that the proposal would not unbalance the front elevation of this row of terraces, that a sufficient gap would be retained, and that car parking could be resolved by suitable conditions, I am concerned that the placing of the two ground floor windows would unbalance the symmetry of this pleasant terrace of houses. This is particularly vital here as the dwelling would be clearly seen on the bend of the road as one travels along Knowle Road and turns into High Street, despite the buildings’ slightly lower level”.*

6.3 As a result while the Inspector dismissed the appeal for the new dwelling, he did not consider that the reason put forward by the Council to be a sustainable ground of refusal. The sole reason that the appeal was dismissed was on the basis that it included two ground floor windows which would unbalance the symmetry of the positioning of windows on the front elevations of this row of terraced properties.

6.4 The applicant has amended the scheme to now only include a single window and a door on the ground floor. This now matches the rhythm and positioning of windows and doors in this row of terraced properties and ensures that the development is in keeping. The revised scheme now overcomes the sole concern raised by the Planning Inspector.

6.5 The PC has concerns that the proposal still fails to meet to the policies QL1 of the KMSP and CP24 of the TMBCS, however this position cannot be sustained. Whilst the Planning Inspector refers to these policies, it is on basis on supporting his sole ground of refusal over the positioning of the ground floor windows. All in

other aspects of policies QL1 of the KMSP and CP24 of the TMBCS, the Planning Inspector found the proposal to be acceptable as can be seen from the quotation in para 6.2 above.

- 6.6 In terms of the parking requirements, the Planning Inspector considered that the proposed parking requirements to be acceptable subject to imposition of suitable conditions. The parking layout has not changed and KCC Highways raise no objection. Therefore, the proposal will not constitute a highway hazard.
- 6.7 The Planning Inspector did not raise any concerns on matters of privacy, sunlight, background daylight or noise disturbance. I am satisfied that the current proposal will not harm the residential amenity of nearby dwellings.
- 6.8 In light of the above considerations, I find this proposal acceptable and recommend approval.

**7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter PW/492/1 dated 17.10.2008, Design and Access Statement dated 17.10.2008, Drawing 657/2/9A dated 17.10.2008, Drawing 657/2/10A dated 17.10.2008, Drawing 657/2/11A dated 17.10.2008, Drawing 657/2/12A dated 17.10.2008, Drawing 657/2/13A dated 17.10.2008, Drawing 657/2/14A dated 17.10.2008, Drawing 657/2/15A dated 17.10.2008, Drawing 657/2/16A dated 17.10.2008, Location Plan 657/LOC dated 17.10.2008 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. The use of the new dwelling 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 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 parking 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.

9. No development shall commence until the alternative car parking provision for 7 High Street as shown on the submitted layout, with unencumbered access to the public highway, 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 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 parking space.

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

10. a) If during development work, site significant deposits of made ground or indicators of potential decontamination are discovered, the work shall cease immediately, and an investigation/remediation strategy shall be agreed with the Local Planning Authority and implemented by the developer.

b) Any soils and other materials taken for disposal should be in accordance with the requirement of Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

c) A closure report shall be submitted by the developer delineating a) and b) above and other relevant issues and responses such as any pollution incident.

Reason: In the interests of public health and pollution control.

### **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.
2. With regard to the construction of the pavement crossing, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.
3. 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.
4. There shall be no surface water run off from the application site onto the public highway.

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