

**East Malling &
Larkfield**
East Malling

570082 157082 21 August 2009

TM/09/01121/FL

Proposal: Erection of 2 detached houses with attached garages
Location: The Birches 21 Mill Street East Malling West Malling Kent
ME19 6DA
Applicant: Mr S Morters

1. Description:

- 1.1 This is a detailed application to subdivide the rear garden of number 21 and to develop this part of the site for residential purposes. The application when first submitted showed the erection of a terrace of 3 houses with either open or car port parking. The application has now been amended to comprise two detached four bedroom houses, shown with potential for a future fifth bedroom in the roof space, and attached garages.
- 1.2 Plot 1 to the west would have an attached single width garage and one surface parking space. Plot 2 to the east is shown with double garage and forecourt parking spaces. The two houses would be accessed via the privately owned section of Cottenham Close that currently serves numbers 59 and 61 to the south and numbers 67 and 69 to the east. The double garage associated with number 21 would be renewed in association with the proposed works.

2. Reason for reporting to Committee:

- 2.1 The application is being reported to Committee at the request of Cllr Simpson, because it merits public debate given the level of local concern, including that relating to other recent developments in the locality.

3. The Site:

- 3.1 Number 21 is a detached 4 bedroom bungalow set on the south side of Mill Street within the village confines. The rear garden of number 21 extends towards the more recent dwellings within Cottenham Close. To the east of the bungalow is a terrace of older properties with large detached outbuildings to the rear, situated approximately in line with number 21.
- 3.2 Number 21 has a detached double garage with pitched roof, located in the south eastern corner of the garden. This garage is accessed from a privately owned branch of Cottenham Close. Number 21 also benefits from a single garage and drive way parking space accessed from Mill Street.

4. Planning History:

TM/48/10223/OLD grant with conditions 4 February 1948

Proposed Greenhouses (2) and Store Shed.

TM/52/10484/OLD grant with conditions 16 June 1952

Bungalow.

TM/75/11114/FUL grant with conditions 14 July 1975

Construction of access to garage.

TM/79/10258/FUL grant with conditions 7 June 1979

Kitchen extension to rear.

TM/80/11470/FUL grant with conditions 24 March 1980

Bedroom and sun lounge.

TM/83/10088/FUL grant with conditions 24 August 1983

Single storey extensions for additional living accommodation.

TM/85/11426/FUL grant with conditions 15 August 1985

Ground floor extension and alterations to roof including addition of dormer windows to provide additional habitable accommodation.

TM/87/11054/FUL grant with conditions 27 February 1987

New garage and extension to existing garage.

5. Consultees:

5.1 PC: No representations have been received in respect of the revised plans at the time of preparing this report.

5.2 KCC (Highways): Although no objections from a traffic generation point of view there are concerns that the available parking for plot 1 does not accord with adopted standards. The one garage with a single parking space in front inevitably would lead to the garage being used for storage rather than parking and parking may then take place on the access drive potentially hindering manoeuvring.

5.3 East Malling Conservation Group: This application is not minor infill in the spirit of CP13 of the Core Strategy. It represents development in the back garden, should be resisted at all cost and will set a dangerous precedent. The development will have a detrimental effect on the immediate surrounding properties due to the overbearing nature of the properties in relation to the size of the plots. No provision has been made for visitor parking with access from a tight and congested part of Cottenham Close.

5.4 Private Reps: 9/0X/19R/0S: 19 letters received on the original and revised application from seven households raising the following concerns:

- Various comments have been made about the impact of the development on the character of the village
- Over intensive development
- “Garden grabbing”
- The effect on number 67
- Loss of a mature hedge
- Insufficient on site parking resulting in parking in the turning head
- Restriction of vehicle access
- Lack of parking for visitors
- Need for double yellow lines.
- Need to control hours of work
- Reference has also been made to a covenant on the deeds about parking in the turning head, although this is a private matter.

6. Determining Issues:

6.1 The application is considered in relation to a number of Core Strategy policies in addition to national guidance contained within PPS3. This states that residential development within the confines of defined settlements may be possible, provided that it is in keeping with the existing pattern and character of development in the locality.

6.2 Policy CP1 concerning sustainable development states that the need for development should be balanced against the need to protect the built environment and residential amenity. Policy CP13 states that new development within the confines of East Malling will be restricted to minor development appropriate to the

scale and character of the settlement. Policy CP24 concerns the need to achieve a high quality environment whilst respecting the site and its surroundings.

- 6.3 In the light of the above policies it is necessary to consider the size of the site, whether it is capable of accommodating two dwellings, the relationship with adjoining properties and vehicular access.
- 6.4 The style of the houses is acceptable and would be in keeping with the character of those properties in the more recent development in Cottenham Close. There would remain a distance of around 17m between the front of the new houses and those on the south side of the access road. Such a distance would be similar to other parts of Cottenham Close and would not be considered unreasonable in this instance.
- 6.5 The proposed site comprising approximately half of the rear garden of number 21 would measure around 19m in depth and 24m in width. The houses would be sited approximately 4.5m from the southern boundary, leaving a rear garden depth of 5.5m. The new houses would appear to be positioned at a level 0.9m higher than the slab level of number 21.
- 6.6 Plot sizes in the vicinity of the application site vary considerably, with some properties in Mill Street having gardens of 85m in length and others with less than 10m depth. The proposed houses would stand on plots of similar width to others in Cottenham Close, but with rear garden depths of 5.5m.
- 6.7 The main concern with the introduction of two houses in this location is the relationship with number 21 Mill Street. The new houses would have slab levels almost one metre higher than that of number 21 and there would be a total separation distance between rear elevations facing each other of 16.3m. This would be noticeably less than the generally accepted adequate separation distance of 21m, as identified in former versions of the Kent Design Guide. Although this 21m figure is no longer found in the current document, this distance is still accepted as a sound and reasonable guideline if overlooking and loss of privacy are to be avoided.
- 6.8 This combination of an insufficient separation distance between the new houses and number 21 and the elevated slab level would lead to an unacceptable relationship resulting in overlooking and loss of privacy for the occupants of number 21, detrimental to residential amenity and contrary to policies CP24 and CP13.
- 6.9 The relationship of the proposed houses to number 67 Cottenham Close immediately to the east has also been considered. The new house on plot 2 would be set slightly further forward than number 67. The main two storey element of the new house would be separated from number 67 by the attached double garage with fourth bedroom above. This element of the house would have a ridge level approximately 2.5m lower than the main roof. No windows are shown in the

eastern side elevation of the house on plot 2. As a result, overshadowing, loss of light and overlooking directly to the east should not occur and there should be no undue harm to the amenities of the occupants of number 67.

- 6.10 The Highway Authority notes the revised application, reducing the number of proposed houses from three to two. Whilst there is sufficient parking for the house on plot 2, concerns are expressed about a shortfall in parking spaces at plot 1. Plot 1 is to be provided with a single garage with one driveway space in front. Experience shows that invariably garages become seen as an extension of the house and generally get used for additional storage, thus reducing the on site parking. This general concern is reflected in the recently adopted parking standards set out in KCC Interim Guidance Note 3. The guidance contained in this document says that two independently accessible parking spaces should be provided for a four bedroomed house in this sort of location. It is likely that, with inadequate off street parking parking will take place on the access drive potentially hindering manoeuvring which would, in turn, have “knock-on” effects for accessing other properties and for parking in the wider locality.
- 6.11 The proposed dwellings are likely to generate one or two additional traffic movements during peak times which the Highway Authority considers can be accommodated on the highway network. In the event that the parking facilities for plot 1 can be upgraded it would be necessary for the applicant to liaise with Kent Highway Services prior to and during the construction phase to ensure that safety on the public highway is maintained.
- 6.12 With regard to the driveway, it is noted that this is to be widened from 4.10m to 6m. Whilst this increase in width is acceptable in principle from a highway perspective, the potential for the access to be obstructed by the lack of parking at plot 1 would have an adverse impact on the ability of vehicles to manoeuvre on the site.
- 6.13 A number of concerns have been expressed by local residents about the vehicle access, lack of visitor parking and on street parking restricting the access and leading to safety issues. It is stated that the narrow access road to this part of Cottenham Close is privately owned, poorly lit and drained and is the subject of a covenant restricting parking. Covenants are a private matter between the developers and the occupants and as a result fall outside planning controls. As the road is privately owned and not adopted by the Highway Authority, the regulation of parking is a private matter.
- 6.14 Some reference has been made to the loss of a mature hedge along the southern boundary of the site. This is a leylandii type hedge that could be removed at any time without the need for planning permission. It is also stated that this proposal represents “garden grabbing”. Government guidance indicates that making use of land that currently forms part of a domestic garden can represent a satisfactory

form of development within the confines of a settlement, provided that due regard is had to the prevailing character of the area.

6.15 Having regard to the above mentioned adopted policies it is concluded that the current proposal would not protect the residential amenities of the occupants of number 21 Mill Street and would not achieve a high quality environment by reason of the layout which would result in an inadequate level of parking provision for the occupants of plot 1. It is therefore recommended that planning permission is withheld.

7. Recommendation:

7.1 **Refuse Planning Permission** in accordance with the following submitted details: Certificate B dated 20.01.2010, Letter dated 14.08.2009, Other TITLE DEEDS dated 13.08.2009, Existing Plans 599 001 C dated 20.01.2010, Proposed Plans 599 002 A dated 20.01.2010, Section 599 003 B dated 20.01.2010, Letter dated 20.01.2010: and for the following reasons:

1. The proposed houses would be situated in close proximity to the rear of number 21 Mill Street, with an inadequate degree of separation, that would result in overlooking and loss of privacy for the occupants of this property, being detrimental to residential amenity and contrary to the aim of policies CP1 and CP24 of the Tonbridge and Malling Borough Council Core Strategy.
2. Plot 1 is to be provided with a single garage with one driveway space. This does not accord with the guidance set out in Kent Design Guide Review: Interim Guidance Note 3, which has been adopted by the Borough Council for the purposes of the assessment of parking in development control. The absence of adequate parking facilities to serve this development would be likely to lead to parking occurring elsewhere in the vicinity, causing traffic congestion.

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