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**Report of 30 September 2010**

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**East Malling &  
Larkfield**  
Larkfield North**569755 159519 29 July 2010****TM/10/02102/FL**

Proposal: Two storey side extension to form 2 bedroom annexe and new single garage to side  
Location: 6 Jerome Road Larkfield Aylesford Kent ME20 6UR  
Applicant: Mr I Dunster

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**1. Description:**

- 1.1 The proposal involves the removal of the existing attached garage and construction of a two storey side extension with a new single width garage attached to the side of the addition. The extension would measure 4.1m in width and be 9.75m deep running down the length of the house on the western side. The extension is shown as having a ridged roof in line with that of the original house. A canopy would be extended across the front of the extension to match that on the existing house.
- 1.2 The extension is described as a two bedroom annexe with access via a door on the western side. No physical link is shown between number 6 and the proposed addition.
- 1.3 The proposed garage would measure 2.9m in width by 5.9m in length, when measured externally. The extension is shown as having a ridged roof with a shallower pitch than the main house. Three off street parking spaces would be provided to the front of the site.

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

- 2.1 At the request of a Local Member who considers the proposal to be virtually a repeat of the one dismissed at appeal and in the light of the planning history.

**3. The Site:**

- 3.1 Number 6 is a detached house set on the north side of Jerome Road within the urban confines of the area. The site forms part of an open plan estate and slopes down slightly from the front towards the bungalows in Christie Drive at the rear. Number 6 and the neighbouring two storey houses form a staggered building line along the Jerome Road frontage.

**4. Planning History:**

TM/71/11031/OLD Refuse 20 May 1971

Erection of dwellings.

TM/75/10391/FUL Application Withdrawn 21 October 1975

Residential development (171 houses).

TM/82/10922/REM Grant 3 July 1978

Approval of reserved matters pursuant to outline permission TM/74/27 in respect of 118 houses, bungalows, garages (Area 1).

TM/88/10087/FUL grant with conditions 3 July 1988

Erection of 2 metres high fence within 2 metres of boundary as variation of condition (xii) attached to TM/74/0027.

TM/88/11186/FUL Grant 19 September 1988

Garden shed to side.

TM/92/00431/FL grant with conditions 28 July 1992

Extension to form garage and conversion of existing garage to family room

TM/08/00432/FL Refuse 11 April 2008

3 bed detached dwelling

TM/08/02101/FL Refuse 29 August 2008

Proposed dwelling

TM/08/03009/FL Refuse 11 December 2008

Dwelling adjacent to current property

TM/09/01812/FL Refuse 24 August 2009

Two storey side extension to form 2 bedroom annexe and new single garage to side

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TM/09/02368/FL      Refuse      8 March 2010

Move fence from its current location out to the footpath

TM/09/02576/FL      Approved      22 December 2009

Part two/part single storey side extension (resubmission)

TM/10/00400/FL      Refuse      31 March 2010

Two storey side extension to form 2 bedroom annexe and new single garage to side

## **5. Consultees:**

- 5.1 PC: Strongly object and raise concerns about the description of development and the possibility of creating an additional dwelling and the detrimental effect the proposal would have on the street scene and openness of the estate.
- 5.2 Comments have also been made about the plans submitted and information contained within the supporting statement which includes extracts from the Inspectors previous appeal decision.
- 5.3 KCC (Highways): Awaiting response to email dated 7<sup>th</sup> September.
- 5.4 DHH: No objections.
- 5.5 Private Reps: Letters of representation have been received from 3 addresses. One of these letters includes signatures from 9 households. Comments have been made about harm to the open aspect and views of the area as well as the possible formation of an separate unit of accommodation. Reference has also been made to "Garden Grabbing".

## **6. Determining Issues:**

- 6.1 The application is considered mainly in relation to Core Strategy policy CP24 which concerns the need to ensure a high standard of design that should not be detrimental to the built environment. The policy states that new development must through its siting, character and appearance be designed to respect the site and its surroundings.
- 6.2 The site is within the urban confines of Larkfield and as such there is a presumption in favour of new residential development and extensions subject to compliance with all relevant policies and subject to matters of detail.

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- 6.3 It is necessary to consider the recent planning history of the site. Number 6 has been the subject of previous refusals: firstly for a detached two storey, three bedroom house; secondly for a three bedroom detached chalet bungalow; and thirdly for a detached bungalow. The application for the bungalow was the subject of an appeal which was dismissed by the Planning Inspectorate. In each of these cases the main consideration was the effect of the proposal on the character and appearance of the surrounding area. With the scheme for the bungalow it was noted that the development would differ from surrounding development considerably in terms of its scale and because of its prominent position at the entrance to the estate. It was noted that each of the proposals, in different ways, would fail to integrate with or complement the neighbouring dwellings and would detract from the overall appearance of the area.
- 6.4 In 2009 a fourth application was made to construct a two storey side extension to form a two bedroom annex and a new single garage (TM/09/01812/FL). The annex extension and the garage had a combined width of 7.4m. At the time it was noted that the proposed annex had no internal link to number 6 and as a result could easily be used as a separate self-contained dwelling. The level of accommodation shown, with no shared facilities, appeared to go beyond that normally associated with an annexe. In principle however there was no policy objection to this aspect of the proposal as the site falls within the urban area where the creation of a separate dwelling is equally acceptable in principle as is an annex.
- 6.5 Application TM/09/01812/FL was considered at the planning committee meeting of 20<sup>th</sup> August 2009 and was refused on the basis that it would be out of keeping with the character of the street scene and general open area, by virtue of its position on a prominent corner.
- 6.6 Later in 2009 a fifth application (TM/09/02576) was made to construct a part two/part single storey side extension, being a resubmission of TM/09/01812. The development proposed under TM/09/02576 related to an extension rather than a self-contained unit.
- 6.7 The extension proposed under TM/09/02576 would not extend so far into the garden area to the side of number 6 as previous schemes or as much as the existing garage and as a result would not occupy an unduly prominent position. The proposal was found to be acceptable in terms of policy CP24 and planning permission was granted subject to conditions.
- 6.8 A sixth application was received in respect of this site under reference TM/10/00400 for a two storey side extension measuring 4.15m in width and running the depth of the house. The extension was described under this application as an annexe with no physical link into the main house. The submitted drawings were the same as those submitted under TM/09/01812. The existing

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garage was again to be removed and a replacement constructed. The garage and the extension would have a combined width of 7.4m projecting from the western side of number 6.

- 6.9 At the time it was noted that the development shown under TM/10/00400 went beyond that normally associated with an annexe and that it could easily be separated and used as a separate self-contained dwelling. It was concluded that there was no policy objection to the creation of a separate dwelling as the site falls within the urban area, where such proposals are acceptable in principle.
- 6.10 Notwithstanding the fact that the TM/10/00400 proposal was in keeping with the style of the existing property, it was necessary to have regard to the recent refusal of the identical scheme TM/09/01812, which was a material consideration. As the Council had concluded that the proposal was previously unacceptable and as there had been no material change in the circumstances at the site or in terms of policy CP24, there was no option but to recommend this identical application for refusal for the same reason as that used under TM/09/1812.
- 6.11 After the refusal of this sixth application, TM/10/00400, the applicants decided to appeal against the decision. The Planning Inspector considered that the main issues were the effect of the proposal on the character and appearance of the area.
- 6.12 *"In my opinion it would not appear unduly intrusive or out of place and because of the screening afforded by the existing conifer hedge, would not impinge upon the openness of the corner or views from Christie Drive."*
- 6.13 The Inspector did not, however, consider that there was sufficient space to accommodate the proposed replacement garage and that it might be necessary to remove a significant part of the hedge, extending development into the open landscaped area and which should be retained free of built development. It was for this reason that the Inspector concluded that: *"The appeal would fail to respect the site and its surroundings to the detriment of the character and appearance of the area and in conflict with the objectives of policy CP24."*
- 6.14 It is therefore necessary to have regard to the Inspector's decision as a material consideration. At one point in his report the Inspector makes it quite clear that he concluded that the development would not appear unduly intrusive or out of place because of the screening provided by the hedge.
- 6.15 The current application shows an extension with a width of 4.1m with the rear elevation being flush with the rear of number 6 rather than projecting beyond. Under the current application the position of the existing fence and conifer hedge is as shown on the submitted drawing.

- 6.16 The Parish Council has made reference to the information contained on the plans and the submitted statement. The submitted plans are Revision B dated 13/7/10 whereas the plans received under TM/10/00400 were Revision A dated 6/7/09. The measurements quoted in the Planning Statement were included as part of a quote from the Planning Inspector's decision letter.
- 6.17 It is necessary to compare the current application to the approved scheme (TM/09/02576) and the scheme refused at appeal (TM/10/00400). The approved scheme included an extension of 3.8m in width and a garage of 4.1m giving a combined width of 7.9m. The TM/10/400 scheme projected a combined width of 7.05m (3.9m and 3.15m) .As mentioned above, the current scheme would project a combined width of 7m (4.1m wide extension and 2.9m wide garage). It is also shown as being contained within the existing fence line as screened by the conifer hedge.
- 6.18 From the above it is apparent that the current scheme would have a combined width that would be marginally smaller than the scheme dismissed at appeal (but only because of potential impact on the fence/hedge) and 0.9m less than that approved in 2009. As a result I do not consider that it would now be possible to argue that there would be a greater loss of openness than has already been agreed under TM/09/02576 or was not, in itself, found unacceptable by the Inspector. In order to ensure that the existing boundary treatment is retained a condition should be attached requiring the fence and hedge to be retained for a suitable period and replaced under certain circumstances.
- 6.19 The comments of the neighbours have again been given careful consideration and the continuing concerns about the impact upon the character of the area have been noted. As mentioned previously the relationship with neighbouring properties and the degree of separation are similar to those found elsewhere in the vicinity on other neighbouring sites. As a result and as with the previous scheme there would be no undue loss of amenity for the occupants of surrounding properties such as to justify withholding consent.
- 6.20 In the light of the above it is concluded that there are no reasons why planning permission could be withheld for the current proposal bearing in mind the planning history for the site and the recent appeal findings.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Validation Checklist dated 29.07.2010, Planning Statement dated 29.07.2010, Floor Plan 6-JEROME-ROAD-01 B dated 29.07.2010, Elevations 6-JEROME-

ROAD-02 B dated 29.07.2010, Floor Plan 6-JEROME-ROAD-03 B dated 29.07.2010, Elevations 6-JEROME-ROAD-04 B dated 29.07.2010, subject to the following conditions:

### 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 match those of the existing building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or 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 extension shall not be occupied until the garage and the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter the garage and parking space shall be kept available for such use and no permitted 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 these reserved spaces.

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

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

Reason: In order that the Local Planning Authority may control any such development in the interests of the amenity and character of the locality.

**Justifications**

1. Summary of main reasons for this decision and relevant Development Plan policies and proposals:
2. The proposal would not have an unacceptable adverse impact on the residential amenity of neighbouring properties, nor on the character of the building and street scene, and meets the requirements of the saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

**Informatives**

1. The applicant is reminded that if at any time it is intended to occupy any part of the dwelling resulting from this permission as a separate dwelling, independent from the main dwelling, this will need to be the subject of an application for planning permission.

Contact: Hilary Johnson

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**SUPPLEMENTARY REPORTS****AREA 3 PLANNING COMMITTEE****DATED 30 September 2010**

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**East Malling & Larkfield      TM/10/02102/FL  
Larkfield North****Two storey side extension to form 2 bedroom annexe and new single garage to side at 6 Jerome Road Larkfield Aylesford Kent ME20 6UR for Mr I Dunster**

A further letter has been received from the occupant of the neighbouring property, advising that he is unable to attend the committee meeting. The neighbour notes that this is the third application at the site, which is situated on a prominent open corner and completely out of character with adjacent properties. Reference is made to government advice regarding “garden grabbing” and it is requested that the application is again refused.

Members will be aware of the previous appeal decisions for this site in respect of TM/08/3009 (detached bungalow) and TM/09/2368 (relocation of fence), both of which were dismissed. Whilst the planning department is aware of these previous Inspectors’ decisions, the most relevant material consideration is the recent appeal decision regarding TM/10/400 and concerning the extension. That appeal was dismissed but the detail of that refusal is important and the matters concerned are to be found in paragraphs 6.11 – 6.15 of the main report.

The submitted plans appear to have been produced by adapting those used under the previous application and designed to meet the Inspector’s criticism. In particular the proposed front elevation shows the garage extension positioned adjacent to but not directly affecting the existing hedge and fence.

My paragraph 6.18 makes reference to the possibility of retaining the fence and hedge at all times in order to maintain the openness of the corner of the site. Two conditions incorporating specific wording to cover these matters have been included in the supplementary report to be added to the decision notice, in the event that the recommendation is accepted to ensure that this is adequately controlled.

With regard to the formation of a separate unit, the applicants have made it quite clear in the description of the development that it is their intention to create a self-contained annex and this is what has been considered in the determination of the application. A separate planning permission would be required to utilise the works as a wholly separate and independent dwelling.

A neighbour has made reference to the issue of “garden grabbing”. The revised PPS3 guidance does not preclude development of gardens, but merely removes the presumption in favour of development.

**REVISED RECOMMENDATION - AS REPORT WITH THE FOLLOWING  
ADDITIONAL CONDITIONS ATTACHED:-**

6. This permission shall be an alternative to the following permission(s) and shall not be exercised in addition thereto, or in combination therewith. (Permission(s) granted on 22.12.2009 and under reference(s) TM/09/2576).

**Reason:** The exercise of more than one permission would result in an over intensive use of the land.

7. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing hedge. Any of the hedge plants removed, dying or seriously damaged or diseased within 10 years of the date of the decision notice 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.

**Reason:** In the interests of the character and appearance of the area.

3. Notwithstanding the conditions on the original planning permission for the development of this estate, a panel fence of the same height as existing shall be retained in the position shown on the approved plan at all times, unless the Authority gives written consent to any variation. *(N.B. – wording of condition to be finalised to refer to a suitably referenced plan to ensure the correct feature is identified).*

**Reason:** In the interest of the character and appearance of the area.

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