

East Malling & Larkfield **569432 156531** **24 January 2011** **(A) TM/11/00058/FL**
East Malling **(B) TM/11/00059/LB**

Proposal: (A) Change of use of annex to holiday let
 (B) Listed Building Application: Retention of minor alterations to Listed Building Consent TM/04/02470/LB (conversion of existing garage with new link to main house)

Location: Derbies 233 Well Street East Malling West Malling Kent ME19 6JW

Applicant: Mr Trevor Woodger

1. Description:

(A) TM/11/00058/FL:

1.1 The application comprises a change of use of the existing annex from ancillary to residential to holiday letting accommodation. The intention is to let the annex for no more than 28 days in any one let. This application does not involve any physical alterations to the existing building.

(B) TM/11/00059/LB:

1.2 The application is retrospective and seeks to regularise the currently unauthorised works carried out to the Listed Building.

2. Reason for reporting to Committee:

2.1 The applicant is a spouse of a serving Tonbridge and Malling Borough Councillor.

3. The Site:

3.1 The site lies within the open countryside to the south of the East Malling settlement. The site lies within a Conservation Area.

3.2 Derbies is a detached Grade II* Listed Building set in a generous plot. The existing annex was originally a garage. Planning permission was granted in 2004 for the conversion of the garage and its linkage to the main dwelling to create ancillary accommodation to the existing residential use.

4. Planning History:

TM/89/10391/LBC Grant with Conditions 18 September 1989

Replacement of windows in front elevation.

TM/92/10761/LBC Grant with Conditions 17 June 1992

LB Application: Removal of first floor ceiling and insertion of replacement windows to rear.

TM/96/01301/LB Application Withdrawn 24 October 1996

Listed Building Application: Single storey extension to provide new kitchen

TM/96/01306/FL Application Not Proceeded With 2 October 1996

Single storey extension to provide new kitchen

TM/97/00199/FL Grant With Conditions 26 April 1997

Erection of replacement single storey extension

TM/97/00201/LB Grant With Conditions 25 April 1997

Listed Building Application: Demolition of existing single storey addition and its replacement with a single storey extension

TM/97/01246/LB Grant With Conditions 15 September 1997

Listed Building Application: Replacement of existing concrete roof tiles with second hand clay roof tiles

TM/97/01247/LB Grant With Conditions 13 October 1997

Listed Building Application: single storey extension (amended scheme to that permitted under reference TM/97/201LB: demolition of existing single storey addition and its replacement with a single storey extension)

TM/97/01248/LRD Grant 11 September 1997

details and samples of materials (second hand clay roof tiles white painted external walls to match existing) pursuant to cond. 2 TM/97/0201LB: demolition of existing single storey addition and its replacement with a single storey extension

TM/97/01248/RD 4 August 1997

details and samples of materials pursuant to condition 2 of TM/97/201LB and being second hand clay roof tiles and white painted external walls to match existing house

TM/97/01250/LRD Grant 11 September 1997

details of joinery submitted pursuant to condition 3 of permission TM/97/0201LB: demolition of existing single storey addition and its replacement with a single storey extension

TM/97/01251/LRD 4 August 1997

details and samples of materials (second hand clay roof tiles and white painted external walls to match existing house) pursuant to cond. 2 of TM/97/0199FL: erection of replacement single storey extension

TM/97/01251/RD Grant 11 September 1997

details and samples of materials (second hand clay roof tiles and white painted external walls to match existing house) pursuant to cond. 2 of TM/97/0199FL: erection of replacement single storey extension

TM/97/01252/RD Grant 11 September 1997

details of joinery pursuant to condition 3 of permission TM/97/0199FL: erection of replacement single storey extension

TM/97/01254/ORM ORM approved 15 September 1997

amendments to internal layout and alterations to external elevations of single storey extension pursuant to TM/97/0199/FL

TM/04/02469/FL Grant With Conditions 1 September 2004

Conversion of existing garage with new link to main house

TM/04/02470/LB Grant With Conditions 9 September 2004

Listed Building Application: Conversion of existing garage with new link to main house

TM/07/04116/TNCA No Objection 28 December 2007

Remove 3no. cultivated Plum Trees

5. Consultees:

5.1 PC: No objection.

5.2 DHH: No objection.

5.3 English Heritage: No response.

5.4 Heritage Societies: No response.

5.5 Private Repts + Article 8 + CA and LB Advert: 6/0X/1R/0S 5 letters of objection have been received.

- We are totally against it, this neighbourhood is like a hamlet we all know each other and look out for any unusual going on, like a neighbourhood watch. Now how can we do this when we will be having different people from one week to another, the noise they might cause, its quite annoying to think I moved into this area so I could be part of the country life and know my neighbours, now we might have strangers from one day to another, what sort of area would this become if we all did this. This is our home and we don't want to see it turned into a holiday let area.
- Increased volume of traffic to the quiet lane.
- Increased 'comings and goings' resulting in noise from cars and people enjoying their holiday will be detrimental to the existing peaceful residential community.
- Strangers being close to children playing in the garden of 257 Well Street as well as a loss of privacy.
- There are no other holiday lets in the area and this might lead to further holiday lets and an expansion of the application site to host tents and caravans.
- The change to a commercial use will be detrimental to the AONB and quiet lane.
- Holiday lets do not have a commitment to the local society and will diminish the existing well integrated residential community.
- Suggests a longer term let of 6 months or more would be more suitable.

6. Determining Issues:

6.1 The application site lies within the open countryside and a Conservation Area. The applications must therefore be determined with regard to their potential impact upon the open countryside and the wider Conservation Area.

6.2 Although the application site lies within the open countryside the dwelling is sited within a small cluster of dwellings. The applications must therefore also be determined with regard to their potential impact upon adjacent residential amenity.

6.3 The host dwelling is a Grade II* Listed Building and therefore the applications must be determined with regard to their potential impact upon the fabric and setting of the Listed Building.

6.4 The application site does not lie within the AONB.

(A) Change of use of annex to holiday let.

- 6.5 The creation of a holiday let provides a new tourist facility. The creation of such facilities within the rural area accords, in principle, with Policy DC5 of the MDE DPD 2010. This Policy supports such development providing it does not detract from the character of the area; involves the re-use of existing buildings; supports the local economy; does not result in the loss of best agricultural land; does not result in a hazard to road safety or otherwise result in an unacceptable impact arising from lighting, traffic generation, activity at unsocial hours or noise. PPS7: Sustainable Development in Rural Areas also supports the re-use of buildings for self catering accommodation where this complies with sustainable development aims.
- 6.6 The change of use of the existing annex to a holiday let does not involve any further physical works. The annex is located to the south of the host dwelling set in a generous plot. There are no immediately adjacent dwellings. I am aware that concern has been raised regarding a loss of privacy to the dwelling to the south. However this dwelling is some considerable distance from the annex. I do not therefore agree that the application would result in a loss of privacy to any dwelling within the hamlet.
- 6.7 The comments of the neighbours regarding an increase in vehicle movements are noted. However the associated additional vehicle movements are unlikely to be of such intensity or frequency as to have a harmful impact upon the open countryside, the wider CA, highway safety or levels of residential amenity. The existing access onto Well Street is adequate and ample off street vehicle parking exists.
- 6.8 The concerns of the neighbours regarding a potential detrimental impact upon the existing community, and the introduction of strangers to the area, are not planning issues.
- 6.9 The introduction of a new tourist facility which utilises an existing building and makes no adverse impact upon the character of the area, residential amenity or highway safety accords with adopted Development Plan and is therefore acceptable. I therefore recommend the application be approved subject to planning conditions.

(B) Listed Building Application: Retention of minor alterations to Listed Building Consent TM/04/02470/LB (conversion of existing garage with new link to main house).

- 6.10 Planning permission and Listed Building Consent were granted in 2004 for the conversion of the existing garage and linkage to the host dwelling. The permissions have been implemented however the works have not been

undertaken in accordance with the permitted plans. The following deviations have occurred:

- Entrance door – wood substituted for glass.
- Single leaded light window instead of double to first floor front elevation.
- Single first storey front window replaced with two smaller windows.
- Window replaced with small dormer window to side elevation.
- Weatherboarding added to first floor front and rear elevation.
- Half hipped roofs replaced by gable ends.
- French door to ground floor side elevation.
- Additional external door to rear elevation.
- Enlarged window added to rear elevation.

6.11 Derbies is a Grade II* Listed Building dating from the 14th century. The application must therefore be determined with regard to PPS5: Planning and the Historic Environment. This guidance seeks to ensure the preservation of the character, appearance, fabric, integrity and setting of historic and listed buildings.

6.12 Although the dwelling is a Listed Building the (now converted) garage is not specifically cited in the Listing details, it being a modern addition. It is noted that the application is retrospective and that the existing building differs in a number of ways from the permitted scheme. However the works relate to the later conversion and do not affect the main building. I have concluded that the alterations do not affect the integrity of the Listed structure. Similarly the alterations make no adverse impact upon the setting of the Listed Building.

6.13 The alterations to the permitted scheme for the conversion of the garage and erection of the linkage structure are retrospective. However the alterations are acceptable and make no adverse impact upon the fabric, integrity or setting of the Listed Building. I therefore recommend the application be approved.

7. Recommendation:

(A) TM/11/00058/FL:

7.1 **Approved** in accordance with the following submitted details: Letter dated 10.01.2011, Letter dated 21.01.2011, Design and Access Statement dated 21.01.2011, Existing Plans and Elevations 233-02 dated 10.01.2011, Block Plan

233-03 dated 10.01.2011, Location Plan 233-04 dated 10.01.2011, Site Plan 233-05 dated 10.01.2011, 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 The premises shall be used for tourist/holiday accommodation (for a maximum letting period of 28 days) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In accordance with planning policy as the use as an independent dwelling would result in an unacceptable relationship with Derbies.

(B) TM/11/00059/LB:

- 7.2 **Approved** in accordance with the following submitted details: Design and Access Statement dated 21.01.2011, Floor Plans And Elevations 233-01 rev 2 dated 21.01.2011, Floor Plans And Elevations 233-02 rev 1 dated 10.01.2011, Block Plan 233-03 rev 0 dated 10.01.2011, Location Plan 233-04 rev 1 dated 10.01.2011, Site Plan 233-05 rev 1 dated 10.01.2011.

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