

Area 3 Planning Committee

TM/65/10767/OLD	grant with conditions	22 February 1965
Building for use as garage and store.		
TM/65/10901/OLD	grant with conditions	27 April 1965
A forecourt cover to replace canopy		
TM/67/10677/OLD	grant with conditions	20 March 1967
A Plat Shop.		
TM/68/10749/OLD	grant with conditions	20 February 1968
Extension for N.H. Meyne, Esq.		
TM/68/10930/OLD	Refuse	30 August 1968
Erection of prefabricated shop and conversion of the existing shop into toilets.		
TM/72/11066/OLD	grant with conditions	25 October 1972
Fruit store, toilet block and covered yard.		
TM/88/10931/FUL	grant with conditions	19 January 1988
Two storey rear extension.		
TM/90/11283/OUT	grant with conditions	4 April 1990
Outline application incorporating means of access and siting for two storey detached building with shop unit on ground floor and accommodation for staff over.		
TM/07/01860/FL	Grant with conditions	10 December 2007
Demolition of existing single storey building and construction of detached two vehicle garage		
TM/12/03783/FL	Application Withdrawn	6 March 2013
Change of use and alterations with replacement extension to form separate dwelling		

There are further applications, etc that relate to the neighbouring commercial premises at 431 London Road, but these are not directly relevant to the current proposal.

5. Consultees:

- 5.1 PC (Original comments): The Committee would like to once again reiterate the Council's objection to any proposed residential alterations and to request that T&MBC enforce the maintenance of the present derelict building in regards to the thatched roof especially or alternatively outright demolition of the whole building.
- 5.2 PC (Comments following amendments): The Council continues to object to this application (as it did for the previous application TM/12/03783/FL) on the grounds of: Sitrine – in residential use it will stand out in front of all homes in that section of London Road, the exit of the building is incompatible with the flow of traffic coming in to the business next door. Also noted for concern was the current structure being able to take the weight of a tile roof. As a final comment should this application be approved, this Council would like the following restrictions placed on the use and any future sale of the building. That the building remains entirely for the use of and not to be sold separately from the residential home of 429 London Road.
- 5.3 Private Reps: 12/0X/2R/1S.

Two letters of objection from one householder raising the following concerns:

- Visual impact which would change the street scene but have no benefit to the local environment.
- Concerns about the final intention of the structure owing to the siting of the external door opening onto land outside the private garden of 429 London Road and the proposed fencing to provide 'privacy to the yard'. This implies it is not intended for ancillary use.
- Partial demolition is misleading as the works involve the near total replacement of the building – the structure will not be able to withstand the additional loading from the proposed roof covering.
- The structure is not an outbuilding – the definition of an outbuilding does not stretch to a building that is habitable by design.

One letter of support stating that the author has no problem with the proposed alterations which will tidy the building up, particularly from the rear which is in full view from their property being the closest neighbours. It looks quite rough so this application would be an improvement. As the structure stands it is a potential fire hazard and the improvements will make it a safe usable building.

6. Determining Issues:

- 6.1 The application relates to works to an existing building only. It is understood that the building was originally erected for use as a farm shop, although the building has not been used for any commercial purpose since 1990.
- 6.2 Planning permission was granted under planning reference TM/89/1380 for the erection of a shop at the adjacent site, now known as Pinions. Planning condition (xiii) of this permission required the existing shop, sheds and stores buildings, other than the thatched section in the north west corner of the curtilage of no. 429, to be demolished and thereafter the thatched section to be used only for purposes ancillary to the domestic and residential use of 429 London Road. It is clear therefore that the former 'farm shop' building, whilst being in the same ownership as the adjacent site, is ancillary to the dwelling only and has not formed part of the commercial premises since 1990.
- 6.3 The former 'farm shop' building is, therefore, a curtilage building serving the existing residential dwelling. As such the building can be used for any purpose incidental to the enjoyment of that dwelling without the need to submit any further planning application for a change of use. However, in this instance planning permission is required.
- 6.4 Planning permission is required for the proposed external works because the external works will make a material alteration to the appearance of the building and as such constitute development. In some circumstances the works might be considered permitted development falling within Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, Class E only permits alteration works to outbuildings if the outbuilding is sited to the rear of the principal elevation of the dwellinghouse. In this case the outbuilding is sited in front of the principal elevation of the host dwellinghouse and therefore the works require the submission of a planning application. Notwithstanding it must be remembered that the application relates to the acceptability or otherwise of the external physical works only and not to any change of use.
- 6.5 The application comprises works to a residential curtilage building. The scheme must therefore be determined with regard to Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998. This policy seeks to ensure that alterations to residential buildings do not have an unacceptable impact on adjacent residential amenity, the character of the dwelling and the wider street scene.
- 6.6 In addition, the application must also be determined with regard to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007. This Policy seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is echoed in paragraph 58 of the National Planning Policy

Framework 2012 which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive.

- 6.7 The application seeks to retain the existing thatched part of the building. The application also seeks to demolish the existing rear part of the building - some 46 sqm and replace with a smaller structure of 23 sqm. The intention is also to renovate the existing timber cladding and windows. This work is acceptable and will result in a welcome improvement to the external appearance of the building.
- 6.8 The application originally sought to replace the existing thatched roof with tile. However, the application has subsequently been amended to retain the thatched roof. The issues relating to this roofing material have been discussed with the Council's Building Control Officer. The BCO has advised that Building Regulation compliance can be achieved providing the 'Dorset Model' is followed. The use of thatch will ensure the distinct character of the building is retained.
- 6.9 The comments of the PC are noted, as are the objections raised by a local resident. However, it must be remembered that the application relates to the physical works to the building only and not to any change of use – the building can already be used for any purpose incidental to the enjoyment of the host dwelling. The intention is to create a lounge, bedroom and bathroom, as the Agent states by letter received 17 April 2013:
- “The intention of the proposal will make a better use of the ancillary building structure area to create entirely associated domestic use as a habitable structure to be used in conjunction with the main dwelling”.*
- 6.10 The intended use of the building is clear, however, it remains appropriate to attach a planning condition to ensure the building is not occupied as a separate hereditament.
- 6.11 The comments relating to the roofing material are also noted. However, the retention of the thatch has the potential to achieve Building Regulations compliance providing the appropriate thatching/construction method is adopted.
- 6.12 The comments of the neighbour regarding the proposed fencing to the yard are also noted. However, the erection of fencing within residential curtilages does not require the submission of a planning application providing the fence is no greater in height than 2m (if set away from the highway). This element of the scheme does not therefore require planning permission from the Borough Council.
- 6.13 The works to the existing building represent a betterment both in terms of the visual appearance of the building and the wider street scene. As the neighbour to the east notes, the building will be 'tidied up' and made useable and safe. The application therefore accords with Policy P4/12 - the works will improve the general residential amenity of the adjacent dwelling, the character of the building

and the wider street scene. Similarly the application has been designed to respect the site and its surroundings, retains the character of the existing building and in doing so is visually attractive. The application therefore also accords with Policy CP24 and paragraph 58 of the NPPF. The following recommendation is therefore made.

7. Recommendation:

7.1 Grant Planning Permission in accordance with the following submitted details: Drawing 1864/6 c dated 24.05.2013, Letter dated 24.05.2013, Letter dated 17.04.2013, Letter dated 27.03.2013, Site Plan dated 17.04.2013, 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 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality, in accordance with Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 and Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

3 The use of the outbuilding shall be ancillary only to that of the main dwelling and it shall not be occupied as a separate hereditament.

Reason: The use of the building as a separate dwelling would be unacceptable owing to its siting, adjacent to a car park serving a commercial premises, and its relationship with the host dwelling, thereby being contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 58 of the National Planning Policy Framework 2012.

4 The outbuilding shall be used only for purposes incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried out therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area in accordance with Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998, Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 58 of the National Planning Policy Framework 2012.

Contact: Maria Brown