

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

25 April 2006

Report of the Director of Planning and Transportation

Part 1- Public

Matters For Decision

1 PLANNING APPLICATION TM/05/00848/FL – LAND REAR OF 145-149 HIGH STREET, TONBRIDGE

Summary

Planning permission is sought for a new two storey dwelling, with detached double garage and detached outbuilding for guest accommodation at land to the rear of 145-149 High Street, Tonbridge. The application was initially reported to the Area 1 Planning Committee on 2 March 2006 and subsequently on the 30 March 2006 accompanied by a Part 2 report from the Chief Solicitor. Members resolved not to accept the recommendation that planning permission be granted and, in accordance with the Constitution, this application is being reported to Council for a decision

1.1 Introduction

- 1.1.1 The reports to APC1 of 2 March 2006 and 30 March (and supplementary reports for both Committees) are attached (Annex 1).
- 1.1.2 The Part 2 report of 30 March is annexed in Part 2 of this Agenda.

1.2 Issues Arising

- 1.2.1 Members of APC 1 resolved that they would wish to refuse planning permission for the following reasons

(1) the proposal would lead to a detrimental effect caused by the reduction of daylight to properties in Church Lane;

(2) the positioning of a 4 metre length of wall, projecting from the main wall to a position 1 metre closer to the Church Lane properties than had previously been approved, to the detriment of the amenities of the properties; and

(3) the proposed building is detrimental to the amenities of the Church Lane properties by reason of overlooking.

- 1.2.2 The determining issues are set out in the reports to APC1. The main issue to be borne in mind is that there is already an extant planning permission for a dwelling of a similar size, design and siting as this current proposal. The principal issue that arises from the application is the degree of impact of the development on the residents of Church Lane. In that respect the only material differences between this proposal and the extant permission is a new projection which measures 4m in width and protrudes 1m towards the neighbouring properties in Church Lane. This feature would have no detriment on the amenity of the adjoining dwellings.
- 1.2.3 The proposed roof overhangs the main wall of the dwelling in both the extant scheme and the current proposal. However there would be no overhang over the new projection in the current proposal and therefore the limit of the building would be no nearer the properties in Church Lane than the extant permission.
- 1.2.4 The proposed garage is 0.2m higher than the approved scheme with inconsequential effect in itself, and must be assessed in light of the most recent appeal decision (see 1.2.5 below).
- 1.2.5 When reporting on an earlier scheme, which was refused planning permission and dismissed on appeal, the Inspector did not consider that the garage, which is of the same size, height and in the same location as the current proposal, would have a material effect on either the sunlight received to the rear of the houses in Church Lane or on the outlook from those dwellings.
- 1.2.6 As can be seen from the supplementary report for the 30 March Area 1 Committee the whole issue of sunlight and daylight has been recalculated and still meets with the BRE standards.
- 1.2.7 No windows are proposed on the northern elevation which faces the Church Lane properties.
- 1.2.8 In view of the above it is concluded that refusal of this latest scheme cannot be justified.

1.3 Recommendations

- 1.3.1 **Grant Planning Permission** - as letters dated 09.01.2006, statement dated stamped 15.3.2005 and plan nos. 01, 02, 03, 04 and 05 (all date stamped 06.01.2006) as clarified by email dated 07.03.2006 and garage details and 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 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interests of archaeological research.

Background papers:

contact: Jill Hamilton

Nil

Steve Humphrey
Director of Planning and Transportation