
Report of 2 March 2006

Tonbridge **559104 146708** **15.03.2005** **TM/05/00848/FL**
Medway

Proposal: Construction of a new two-storey dwelling with semi basement and double garage (previously approved under reference TM/03/01644/FL)

Location: Land Rear Of 145-149 High Street Tonbridge Kent

Applicant: Theo Stegers

1. Description:

1.1 Members will recall that there have been a series of applications for a new dwelling on this site. Following the grant of permission in the most recent application TM/04/03802/FL, for an alternative scheme, was refused planning permission at Committee on 2 February 2005. The reason for refusal was:

'The proposed development would, by reason of its height and its proximity to the boundary with the neighbouring developments to the north, and also as a result of the limited depth of the rear gardens to those properties, be visually intrusive and have an unacceptable overbearing impact upon those properties and thereby be harmful to the amenities of those properties and thus would be contrary to policy P4/11 of the Tonbridge and Malling Borough Local Plan.'

This decision was appealed and the appeal dismissed.

1.2 The applicant has sought to address Members' and the Inspector's concerns and has submitted plans now showing a dwelling which has a smaller footprint, is slightly lower and a greater distance from the boundary with the properties in Church Lane.

1.3 The dwelling is of a similar style to the previous submissions on this site, a modern, timber post and beam, flat roofed dwelling proposed to be constructed in timber and glass with a steel roof. In addition to the dwelling a single storey detached building with a pyramidal roof, providing a guest bedroom, is proposed in the south east corner of the site and a flat roofed double garage and bicycle store in the north west.

1.4 The applicant has confirmed that there will be no windows on the first floor elevation facing north towards the properties in Church Lane.

2. The Site:

2.1 The site is located to the rear of the High Street, within the Tonbridge Conservation Area. There are a number of Listed Buildings located in close proximity to the site, including the Church and Rose and Crown PH. The site

comprises an area of open, hard surfaced land located to the rear of the substantial buildings in the High Street. At present the site is used for car parking by surrounding businesses, but cannot be required to be retained as such.

3. Planning History:

- 3.1 TM/01/03001/FL Refused 27.03.2002; Appeal Dismissed 21.01.2003
Construction of new two storey dwelling, with basement and double garage.
- 3.2 TM/03/01644/FL Approved 11.07.2003
Two storey dwelling with semi-basement and double garage.
- 3.3 TM/04/03802/FL Refused 03.02.2005; Appeal Dismissed 08.08.2005
Amended scheme for new storey dwelling with semi basement and double garage (previously approved under reference TM/03/01644/FL).

4. Consultees:

- 4.1 KCC Highways: No objections subject to conditions.
- 4.2 DHH: Land Contamination: No objections subject to standard conditions and informatives.
- 4.3 KCC Archaeology: The application site is located in the historic core of Tonbridge. Tonbridge is a market town, probably of post-conquest origin although a small settlement may have existed there before then. The protection offered by the Norman castle, a Scheduled Ancient Monument (SAM NO: 5) would have encouraged a settlement to have expanded beyond the castle gates but medieval town development seems to have been contained within the 13th century town walls and ditch. The site of the application lies between the probable location of the medieval market, along the present High Street, and the church of St Peter and St Paul. In addition a 14th/15th century medieval hall (SAM NO: 334) is located only 130m to the north. Finally, a section of the town's medieval defences (SAM NO: 136) is situated only 160m north west of the application. It is possible, therefore, that groundworks associated with the proposed development may disturb archaeological deposits and I would advise that provision is made for a programme of archaeological work.
- 4.4 EA: No objections.
- 4.5 Private Representations: 44/0X/0S/5R, site and press notice. Objections to the original submission on the following grounds:
- Plans are confusing.
 - Too high.
 - Loss of amenities

-
- Design totally inappropriate in a CA.
 - Loss of business parking.
 - Living accommodation on site would not be satisfactory due to proximity to businesses which may be noisy.
 - Access limited to small vehicles questions deliveries of prefabricated sections of the house and other large vehicles including emergency services.
 - Concern over size and proximity to boundary.
 - Development would not provide affordable housing.

Amended scheme: 2 letters of objection raising the following issues:

- Questions ownership of boundary wall.
- Overbearing - not enough separation between flank walls.
- Amendments will still have a detrimental impact on Church Lane properties.
- Does not address the concerns of the Inspector with regard to overshadowing.
- Design out of keeping with the Conservation Area.

5. Determining Issues:

- 5.1 While initially permission was refused for a dwelling on site, in dismissing the appeal the Inspector did not do so on grounds of principle or design but matters of detail. The Council subsequently granted permission for a dwelling based on similar design principles but which addressed the Inspector's concerns. Therefore the principle of a residential property on this site has already been established by the granting planning permission in 2003.
- 5.2 This site has a complicated planning history as can be seen from section 3. When submitting this latest application the applicant, mistakenly, initially resubmitted the plans which were previously submitted under planning reference TM/04/03802/FL (hence the initial comments from residents in para 4.5). Plans have now been submitted that show the proposed dwelling in a similar position, especially relative to the properties in Church Lane, to that of TM/03/01644/FL which was approved.
- 5.3 The dwelling has been moved further away from the boundary with Church Lane, than the recently refused scheme, giving a distance of between 5.8m and 6m from the boundary wall. The house has a central section of the northern wall of the new dwelling (4m long) which protrudes a further metre. The eaves height of the dwelling would be 0.3m higher than the dwelling approved under TM/03/01644/FL but slightly lower than the recently refused scheme (0.2m). The absence of

windows on the northern façade of the building, should ensure that the amenities of existing residents are not compromised.

In order to make it easier to compare the schemes I have included a table with measurements which apply to each individual scheme.

Application no.	TM/01/03001/FL	TM/03/01644/FL	TM/04/03802/FL	TM/05/00848/FL
Decision	Refused – Appeal dismissed	Approved	Refused – Appeal dismissed	Current proposal
Ground floor footprint	216.5 sq.m + 1.5m roof overhang	177.5 sq.m + 1m roof overhang	186.4 sq.m + 2m roof overhang	179.4 sq.m + 1m roof overhang
Distance of main wall (not including overhang) from boundary to north (Church Lane properties)	3.5m	6m	4.5m max 3.8m from centre bay (4m length in centre of northern elevation)	6m max. 5m from centre bay (4m length in centre of northern elevation)
Height to eaves (under overhang)	5.5m	5.3m	5.8m	5.6m
Height to top of roof	6.2m	6.1m	7m	6.6m
Height to top of central atrium	N/A	N/A	7.5m	7.2m
Height of garage	3m	2.8m	3m	3m
Windows on north facing elevation	Yes	Yes	Yes	No

5.4 The flat roofed garage, which is close to the northern boundary, is wider and slightly closer to the boundary than the approved scheme, which is also flat roofed, but is similar in size and siting to the garage which formed part of the recently refused application (TM/04/03802/FL). The Inspector when reporting on the later

appeal did not consider that the garage 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.

- 5.5 The other change compared to the approved scheme is the introduction of the guest pavilion nearer to the churchyard wall than the main house. Unlike the house and garage this has a pyramidal roof. In principle there is no objection to such a facility, provided in this case that controls are applied to ensure that it is not occupied independently of the main house. Amended plans have been submitted showing how the pavilion will appear in the context of the churchyard wall. I am satisfied that this is an acceptable element of the proposal, indeed it is not unlike the garden gazebos of the 18th and 19th Centuries. The pavilion was not the subject of a ground of refusal in the recent application and the Inspector remained silent on the guest pavilion.
- 5.6 In view of the above I do not consider that refusal of this latest scheme can be justified and I therefore recommend approval.

6. Recommendation:

- 6.1 **Grant Planning Permission** as letters dated 09.01.2006, statement dated stamped 15.3.05 and plan nos. 01, 02, 03, 04 and 05 (all date stamped 06.01.2006) 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. (Z001)

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 all 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. (D001)

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. (C002)

Reason: In the interests of archaeological research.

4 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety. (N015)

5 The dwelling hereby permitted shall not be occupied until underground ducts have been installed by the developer to enable telephone, electricity and television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority. (E008*)

Reason: In the interests of visual amenity.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting 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: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 7 The garage and cycle store shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

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

- 8 No building shall be occupied until the area shown on the submitted plan as a turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area. (P011)

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A (extensions) and Class E (ancillary buildings), of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001*)

Reason: In the interests of the character and appearance of the conservation area and the setting of the nearby Listed Buildings.

- 10 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 north, east or west elevations of the building other than as hereby approved, without the prior written consent of the Local Planning Authority. (D013*)

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

- 11 The use of the guesthouse shown on the plans shall be ancillary only to that of the main dwelling hereby permitted and it shall not be occupied as a separate hereditament.

Reason: In the interests of residential amenity.

Informatives:

- 1 Your attention is drawn to the fact that advice on the details necessary to comply with condition 2 can be obtained from Heritage Conservation Unit, Environmental Management, Kent County Council, Invicta House, County Hall, Maidstone, Kent, ME14 1XX. Telephone 01622 221540. Furthermore, it would be preferred if the further evaluation works needed were undertaken by an approved archaeologist familiar with this area of Kent.
- 2 Your attention is drawn to the fact that this is a site on which the presence of contamination is known or suspected. You should be aware that the responsibility for safe development and secure occupancy of the site rests with the developer. Furthermore, the Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.
- 3 Surface water from the site shall not be allowed to discharge onto the highway.
- 4 Your attention is drawn to the fact that the Council operates a wheeled bin, boundary of property, refuse collection service. Where there are shared private drives, bins should ideally be placed at the nearest point to the public highway on the private drive (on the relevant collection day).
- 5 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 6 The trees on and adjoining the site are protected by virtue of falling within a conservation area. You are reminded that you will need to formally notify the Council if it is intended to undertake works to these trees.
- 7 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate number(s) to the new property/ies. To discuss the allocation of numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson

Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Jill Hamilton

SUPPLEMENTARY REPORTS**AREA 1 PLANNING COMMITTEE****DATED 2 March 2006**

**Tonbridge
Medway****TM/05/00848/FL**

Construction of a new two-storey dwelling with semi basement and double garage (previously approved under reference TM/03/01644/FL) at Land Rear Of 145-149 High Street Tonbridge Kent for Theo Stegers

The applicant has questioned the accuracy of one of the dimensions in the table in paragraph 5.3. I hope to be able to clarify this point for Members orally at the meeting. However, I do not believe this has a material impact on assessment of the case.

RECOMMENDATION REMAINS UNCHANGED.

Report of 30 March 2006

Tonbridge **559104 146708** **15.03.2005** **TM/05/00848/FL**
Medway

Proposal: Construction of a new two-storey dwelling with semi basement and double garage (previously approved under reference TM/03/01644/FL)

Location: Land Rear Of 145-149 High Street Tonbridge Kent

Applicant: Theo Stegers

1. Description:

- 1.1 This application was deferred from the previous meeting of this Committee for a report from the Chief Solicitor on the implications of possible reasons for refusal. That report appears in Part 2 of this Agenda.
- 1.2 The applicant has clarified that the height of the proposed dwelling would be 6.06m to the top of the roof, some 0.5m lower than previously envisaged. The apparent discrepancy was the result of a drafting error.
- 1.3 A copy of my report to the previous meeting is attached at Annex 1.

2. Determining Issues:

- 2.1 Given the applicants confirmation of the true height of the dwelling I have amended the table that was included in the previous report.

Application no.	TM/01/03001/FL	TM/03/01644/FL	TM/04/03802/FL	TM/05/00848/FL
Decision	Refused – Appeal dismissed	Approved	Refused – Appeal dismissed	Current proposal
Ground floor footprint	216.5 sq.m + 1.5m roof overhang	177.5 sq.m + 1m roof overhang	186.4 sq.m + 2m roof overhang	179.4 sq.m + 1m roof overhang
Distance of main wall (not including overhang) from boundary to north (Church Lane properties)	3.5m	6m	4.5m max 3.8m from centre bay (4m length in centre of northern elevation)	6m max. 5m from centre bay (4m length in centre of northern elevation)
Height to eaves (under	5.5m	5.3m	5.8m	5.6m

overhang)				
Height to top of roof	6.2m	6.1m	7m	6.06m
Height to top of central atrium	N/A	N/A	7.5m	6.6m
Height of garage	3m	2.8m	3m	3m
Windows on north facing elevation	Yes	Yes	Yes	No

2.2 The reduction of the height or the dwelling is welcomed.

3. Recommendation:

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.

4 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a suitably qualified or otherwise responsible person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development):

(c) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

5 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting 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: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 7 The garage and cycle store shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles and cycles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 8 No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A (extensions) and Class E (ancillary buildings), of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of the character and appearance of the Conservation Area and the setting of nearby Listed Buildings

- 10 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 north, east or west elevations of the building other than as hereby approved, 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 amenity and privacy of adjoining property.

- 11 The use of the guest house shown on the approved plans shall be ancillary only to that of the main dwelling hereby permitted and it shall not be occupied as a separate hereditament.

Reason: In the interests of residential amenity.

Informatives:

- 1 Your attention is drawn to the fact that advice on the details necessary to comply with condition 2 can be obtained from Heritage Conservation Unit, Environmental Management, Kent County Council, Invicta House, County Hall, Maidstone, Kent, ME14 1XX. Telephone 01622 221540. Furthermore, it would be preferred if the further evaluation works needed were undertaken by an approved archaeologist familiar with this area of Kent.
- 2 Your attention is drawn to the fact that this is a site on which the presence of contamination is known or suspected. You should be aware that the responsibility for safe development and secure occupancy of the site rests with the developer. Furthermore, the Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.
- 3 Surface water from the site shall not be allowed to discharge onto the highway.
- 4 Your attention is drawn to the fact that the Council operates a wheeled bin, boundary of property, refuse collection service. Where there are shared private drives, bins should ideally be placed at the nearest point to the public highway on the private drive (on the relevant collection day).
- 5 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 6 The trees on and adjoining the site are protected by virtue of falling within a conservation area. You are reminded that you will need to formally notify the Council if it is intended to undertake works to these trees.
- 7 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Jill Hamilton

SUPPLEMENTARY REPORTS**AREA 1 PLANNING COMMITTEE DATED 30 March 2006**

Tonbridge TM/05/00848/FL
Medway**Construction of a new two-storey dwelling with semi basement and double garage (previously approved under reference TM/03/01644/FL) at Land Rear Of 145-149 High Street Tonbridge Kent for Theo Stegers**

Further plans have been submitted to confirm, in drawing form, the clarification regarding the dimensions of the proposed building, as set out in paragraph 1.2 of my main report.

Private reps: One further letter received, submitted on behalf of the owners/occupiers of 6 and 8 Church Lane, together with a technical report, prepared by consultants, concerning the impact of the proposed dwelling on daylight and sunlight levels at those two properties. The following issues are raised:

- The consultants' report concludes that there will be a noticeable loss of daylight to the rear elevations of the existing houses as a result of the proposed building; this loss will be outside acceptable limits, using the guidance on daylight and sunlight produced by BRE; any loss of sunlight is within acceptable limits, using this guidance;
- This should be seen in the context of the restricted aspect that already exists to the front of these houses (facing Church Lane), as has been mentioned by the Inspectors who dealt with the previous appeals on the application site;
- Assessment of this case should focus on the height of the top of the main part of the roof; the vertical fascia to the roof overhang will be fully visible, and the top of this is 0.5m higher than under the approved scheme; because the overhang is 1m deep, this brings it 1m closer to the boundary.

DPE comments: I have looked in detail at the technical assessment of daylight impact, submitted on behalf of the objectors. I do have some concerns over the approach they have adopted, particularly to do with the "reference point" on the living room windows of nos 6 & 8 Church Lane, from which the vertical sky component is calculated.

I have taken the reference point as being 2m above ground level in the centre of each of the windows. The objectors' consultants have taken the reference point as being 1.1m above ground level. The reason for this difference is contained on page 5 of the BRE document. It states:

"Any reduction in the total amount of skylight can be calculated by finding the vertical sky component at the centre of each main window. (In the case of a floor-to-ceiling

window, such as a patio door, a point 2m above ground on the centre line of the window may be used)."

In this case, at least part of the fenestration to the living room of 6 & 8 Church Lane comprises fully glazed doors. The BRE does not stipulate as to which reference point must be used where such doors are concerned. However, I would consider a 2m high point above ground to be reasonable due to permitted development rights for walls/fences etc. Indeed, a 1.8m+ high barrier is already installed on the southern boundary of 6 & 8 Church Lane.

The conclusions in the consultants' report are that the daylight test is failed, but the scale of that failure, relative to the figures in the guidance, is marginal. If a different "reference point" were to be adopted, as mentioned in the BRE guidance, I believe that this proposal would comply with the relevant BRE standards.

However, given that there is an extant planning permission for a dwelling on the application site, a "benchmark" has already been set in that a certain level of impact, in terms of loss of daylight, has already been accepted by the Local Planning Authority.

I would agree with the objectors that, in terms of assessing the impact on their property, one of the most important factors – if not the key factor - is the height and location of the top edge of the eaves overhang. Following the clarification of the intended height of the roof of the proposed dwelling, it is now clear that this will be no closer to the site boundary than under the approved scheme and it will be marginally lower (although I accept that the difference in height is likely to be imperceptible).

RECOMMENDATION REMAINS UNCHANGED
