

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
committee.services@tmbc.gov.uk

19 July 2023

To: MEMBERS OF THE AREA 1 PLANNING COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in Council Chamber, Gibson Drive, Kings Hill on Thursday, 27th July, 2023 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

JULIE BEILBY

Chief Executive

## AGENDA

1. Guidance for the Conduct of Meetings

5 - 6

## **PART 1 - PUBLIC**

2. Apologies for Absence
3. Declarations of Interest

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](http://tmbc.gov.uk).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

4. Minutes 7 - 10

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 22 June 2023.

5. Glossary and Supplementary Matters 11 - 18

Glossary of abbreviations used in reports to the Area Planning Committee (attached for information)

Any supplementary matters will be circulated via report in advance of the meeting and published to the website.

### **Decisions to be taken by the Committee**

6. TM/23/00364/FL - 1A Croft Close, Tonbridge 19 - 36

New bungalow to the rear of 15 Estridge Way (Revision to TM/20/00862/FL)

### **Matters for Information**

7. Planning Appeals, Public Inquiries and Hearings 37 - 38

To receive and note any update in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee.

8. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **Matters for consideration in Private**

9. Exclusion of Press and Public 39 - 40

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

## **PART 2 - PRIVATE**

### **Matters for Information**

10. TM/23/00364/FL - 1A Croft Close, Tonbridge 41 - 50

(Reasons: LGA 1972 - Sch 12A Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)

This report provides legal advice on the consequences of taking decisions against the advice of officers.

11. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr M A J Hood (Chair)  
Cllr D W King (Vice-Chair)

Cllr L Athwal  
Cllr K Barton  
Cllr G C Bridge  
Cllr J Clokey  
Cllr A Cope  
Cllr G B Hines

Cllr F A Hoskins  
Cllr A Mehmet  
Cllr R W G Oliver  
Cllr B A Parry  
Cllr M R Rhodes  
Cllr K S Tunstall

## **GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED**

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:  
  
<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) in the first instance.

### **Attendance:**

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

### **Ground Rules:**

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

### **Voting:**

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 1 PLANNING COMMITTEE

#### MINUTES

Thursday, 22nd June, 2023

**Present:** Cllr M A J Hood (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr G B Hines, Cllr A Mehmet, Cllr R W G Oliver, Cllr B A Parry, Cllr M R Rhodes and Cllr K S Tunstall

**Virtual:** Councillors S Crisp and D Harman participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor F A Hoskins.

#### PART 1 - PUBLIC

##### **AP1 23/11 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **AP1 23/12 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 30 March 2023 be approved as a correct record and signed by the Chairman.

##### **AP1 23/13 GLOSSARY AND SUPPLEMENTARY MATTERS**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN  
ACCORDANCE WITH PART 3 OF THE CONSTITUTION  
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**AP1 23/14 TM/23/00615/FL - 37 AVEBURY AVENUE, TONBRIDGE**

Two storey extension on existing building to create 2 x 2 bedroom duplex flats with roof terrace and external alterations.

**RESOLVED:** That the application be REFUSED for the following reasons:

1. The proposed development by reason of its siting, design, bulk and height would result in an unacceptable overbearing impact on the residents of 39 and 41 Avebury Avenue. The proposal therefore fails to preserve residential amenity and does not constitute high quality design contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Managing Development and Environment Development Plan Document 2010 and paragraphs 125, 130 and 185 of the National Planning Policy Framework 2021.
2. By virtue of the additional height and mass including the incongruous glass privacy balconies and contrived massing and minimal setback at top floor, the proposed development would represent poor design visually intrusive and harmful to the character and the appearance of the area in direct conflict with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and SQ1 of the Managing Development and Environment Development Plan Document.

[Speaker: Ms E Spain (member of the public) addressed the Committee in person]

**AP1 23/15 TM/23/00364/FL - 1A CROFT CLOSE, TONBRIDGE**

New bungalow to the rear of 15 Estridge Way (Revision to TM/20/00862/FL).

After careful consideration of the points raised by members of the public and the applicant and the submitted details and conditions set out in the report of the Director of Planning, Housing and Environmental Health, Members expressed concern in respect of the materials used for the exterior and the roof of the building and the distinctiveness of the roof was considered a harmful feature to the character of the local area and the street scene, contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), SQ1 of the Managing Development and Environment Development Plan Document and paragraph 130 of the National Planning Policy Framework.



**RESOLVED:** That planning application be DEFERRED for a report from Legal Services on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in CPR 15.25, Part 4 (Rules) of the Constitution).

[Speakers: Mrs L Hamilton (member of the public) made a verbal statement; due to technical difficulties a written statement was read out on behalf of Mr N Coomber (member of the public); Mr S King (applicant) addressed the Committee via MS Teams]

### **MATTERS FOR INFORMATION**

#### **AP1 23/16 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

The report setting out updates in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee was received and noted.

#### **AP1 23/17 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.37 pm

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## **GLOSSARY of Abbreviations used in reports to Area Planning Committees**

### **A**

AAP	Area of Archaeological Potential
AGA	Prior Approval: Agriculture (application suffix)
AGN	Prior Notification: Agriculture (application suffix)
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
AT	Advertisement consent (application suffix)

### **B**

BALI	British Association of Landscape Industries
BPN	Building Preservation Notice
BRE	Building Research Establishment

### **C**

CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CCG	NHS Kent and Medway Group
CNA	Consultation by Neighbouring Authority (application suffix)
CPRE	Council for the Protection of Rural England
CR3	County Regulation 3 (application suffix – determined by KCC)
CR4	County Regulation 4 (application suffix – determined by KCC)
CTRL	Channel Tunnel Rail Link (application suffix)

## **D**

DCLG	Department for Communities and Local Government
DCMS	Department for Culture, Media and Sport
DEEM	Deemed application (application suffix)
DEFRA	Department for the Environment, Food and Rural Affairs
DEPN	Prior Notification: Demolition (application suffix)
DfT	Department for Transport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DR3	District Regulation 3
DR4	District Regulation 4
DSSLT	Director of Street Scene, Leisure & Technical Services

## **E**

EA	Environment Agency
EIA	Environmental Impact Assessment
EASC	Environmental Impact Assessment Screening request (application suffix)
EASP	Environmental Impact Assessment Scoping request (application suffix)
EH	English Heritage
EL	Electricity (application suffix)
ELB	Ecclesiastical Exemption Consultation (Listed Building)
EEO	Ecclesiastical Exemption Order
ELEX	Overhead Lines (Exemptions)
EMCG	East Malling Conservation Group
ES	Environmental Statement
EP	Environmental Protection

**F**

FRA	Flood Risk Assessment
FC	Felling Licence
FL	Full Application (planning application suffix)
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Impact Assessment

**G**

GDPO	Town & Country Planning (General Development Procedure) Order 2015
GOV	Consultation on Government Development
GPDO	Town & Country Planning (General Permitted Development) Order 2015 (as amended)

**H**

HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
HWRC	Household Waste Recycling Centre

**I**

IDD	Internal Drainage District
IDB	Upper Medway Internal Drainage Board
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

**K**

KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards: Supplementary Planning Guidance SPG 4
KDD	KCC Kent Design document

KFRS Kent Fire and Rescue Service  
KGT Kent Garden Trust  
KWT Kent Wildlife Trust

## **L**

LB Listed Building Consent (application suffix)  
LBX Listed Building Consent: Extension of Time  
LDF Local Development Framework  
LDLBP Lawful Development Proposed Listed Building (application suffix)  
LEMP Landscape and Ecology Management Plan  
LLFA Lead Local Flood Authority  
LMIDB Lower Medway Internal Drainage Board  
LPA Local Planning Authority  
LWS Local Wildlife Site  
LDE Lawful Development Certificate: Existing Use or Development (application suffix)  
LDP Lawful Development Certificate: Proposed Use or Development (application suffix)  
LP Local Plan  
LRD Listed Building Consent Reserved Details (application suffix)

## **M**

MBC Maidstone Borough Council  
MC Medway Council (Medway Towns Unitary Authority)  
MCA Mineral Consultation Area  
MDE DPD Managing Development and the Environment Development Plan Document  
MGB Metropolitan Green Belt  
MHCL Ministry of Housing, Communities and Local Government  
MIN Mineral Planning Application (application suffix, KCC determined)  
MSI Member Site Inspection

MWLP Minerals & Waste Local Plan

## **N**

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

## **O**

OA Outline Application (application suffix)

OAEA Outline Application with Environment Impact Assessment (application suffix)

OAX Outline Application: Extension of Time

OB106D Details pursuant to S106 obligation (application suffix)

OB106M Modify S106 obligation by agreement (application suffix)

OB106V Vary S106 obligation (application suffix)

OB106X Discharge S106 obligation (application suffix)

## **P**

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

PDRA Permitted development – change of use agricultural building to flexible use (application suffix)

PDV14J Permitted development - solar equipment on non-domestic premises (application suffix)

PDV18 Permitted development - miscellaneous development (application suffix)

PDVAF Permitted development – agricultural building to flexible use (application suffix)

PDVAR Permitted development - agricultural building to residential (application suffix)

PLVLR	Permitted development - larger residential extension (application suffix)
PDVOR	Permitted development - office to residential (application suffix)
PDVPRO	Permitted development - pub to retail and/or office (application suffix)
PDVSDR	Permitted development storage/distribution to residential (application suffix)
PDVSFR	Permitted development PD – shops and financial to restaurant (application suffix)
PDVSR	Permitted development PD – shop and sui generis to residential (application suffix)
POS	Public Open Space
PPG	Planning Practice Guidance
PWC	Prior Written Consent
PROW	Public Right Of Way

## **R**

RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)

## **S**

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (background for the emerging Local Plan)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SW	Southern Water

## **T**

TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan



TCS           Tonbridge Civic Society  
TEPN56/TEN Prior Notification: Telecoms (application suffix)  
TMBC         Tonbridge & Malling Borough Council  
TMBCS       Tonbridge & Malling Borough Core Strategy 2007  
TMBLP       Tonbridge & Malling Borough Local Plan 1998  
TNCA         Notification: Trees in Conservation Areas (application suffix)  
TPOC         Trees subject to TPO (application suffix)  
TRD           Tree Consent Reserved Details (application suffix)  
TRICS         Trip Rate Information Computer System  
TWBC         Tonbridge Wells Borough Council

**U**

UCO           Town and Country Planning Use Classes Order 1987 (as amended)  
UMIDB        Upper Medway Internal Drainage Board

**W**

WAS           Waste Disposal Planning Application (KCC determined)  
WTS           Waste Transfer Station

(Version 2/2021)

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**Tonbridge**  
Higham

**22 March 2023**

**TM/23/00364/FL**

Proposal: New bungalow to the rear of 15 Estridge Way (Revision to TM/20/00862/FL)  
Location: 1A Croft Close Tonbridge Kent TN10 4LA  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 Determination of this application was deferred on 22 June 2023 to allow for legal services to provide the committee with a report setting out the risks involved should the recommendation of officers to grant planning permission subject to conditions not being accepted, and planning permission refused.
- 1.2 This is in line with the Council's Constitution which sets out as follows:
- 1.3 If, contrary to a recommendation of the Director of Planning, Housing & Environmental Health, an Area Planning Committee is minded to determine an application in a way or on grounds which the Director does not consider can be substantiated, the application shall stand adjourned to the next meeting of the committee to enable the Director of Central Services and Monitoring Officer to submit a report on the possibility of costs or compensation being awarded against the Council in the event that the application is determined in that way.
- 1.4 If the Director of Central Services and Monitoring Officer's report indicates that there is likely to be a significant risk of costs being awarded against the Council at any appeal, or a potential liability to pay compensation, the committee may not determine the application in a manner contrary to the advice set out in the report, and a resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to Council for determination.
- 1.5 The June committee report can be found at Annexe 1. The report of the Director of Central Services and Monitoring Officer is contained within Part 2 of the agenda. This report should be read as a whole with both of those documents.

## **2. Recommendation:**

### **2.1 Grant Planning permission**

This was approved in accordance with the following submitted details: Location Plan dated 16.03.2023, Proposed Floor Plans 1000 dated 16.03.2023, Block Plan 5000 dated 16.03.2023, Perspective view 5100 dated 16.03.2023, Proposed Roof Plan 1200 dated 16.03.2023, Proposed Elevations 2201 dated 16.03.2023, Proposed Elevations 2202 dated 16.03.2023, Proposed

Elevations 2203 dated 16.03.2023, Proposed Elevations 2204 dated 16.03.2023, Drainage Layout dated 17.03.2023

### **Conditions / Reasons**

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C and E of Part 1 of Schedule 2 of that Order.

Reason: To prevent an overdevelopment of the site.

2. The existing vehicle parking and turning area shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 this reserved parking space.

Reason: In the interests of highway safety.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed 'This was approved in accordance with the following submitted details'.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

Contact: Maria Brown

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<b>Tonbridge Higham</b>	<b>22 March 2023</b>	<b>TM/23/00364/FL</b>
Proposal:	New bungalow to the rear of 15 Estridge Way (Revision to TM/20/00862/FL)	
Location:	1A Croft Close Tonbridge Kent TN10 4LA	
Go to:	<a href="#">Recommendation</a>	

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## 1. Description:

- 1.1 Planning permission was granted under planning reference TM/20/00862/FL for the erection of a detached bungalow in the rear garden of 15 Estridge Way in June 2020.
- 1.2 The current application seeks to amend the permitted scheme in the following ways:
  - Minor increase in dwelling size
  - Minor reduction in window sizes
  - Introduction of porch projection
  - Use of render rather than brick
  - Use of grey metal roof tile rather than concrete
- 1.3 The application is retrospective and therefore the current application seeks to regularise works that have already been undertaken. The site is part of an ongoing enforcement action.

## 2. Reason for reporting to Committee:

- 2.1 The application has been called into Area One Planning Committee by the Ward Member Cllr King to consider the use of materials.

## 3. The Site:

- 3.1 The site lies within the confines of the settlement, within a wider residential estate. The host dwelling is a late 1940's semi-detached 3-bedroom house facing Estridge Way. The application site is to the rear and fronts onto Croft Close.
- 3.2 The application makes reference to the mixed character of the area and puts forward examples of the use of more contemporary materials in the wider area.
- 3.3 The area falls within E3 of the Tonbridge Character Appraisal Area which comprises Croft Close, Estridge Way and Godfrey Evans Close. The area is described as follows:

*Estridge Way forms a quadrangle with short culs-de-sac leading off it and is accessed from Cornwallis Avenue and Orchard Drive via Colin Blythe Road. The*

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*development was begun in the 1930s but was not completed until after the war. There has also been some more recent infill development which gives this area a more mixed character than the other areas.*

#### 4. Planning History (relevant):

TM/20/00862/FL                      Approved                      19 June 2020

New bungalow to the rear of 15 Estridge Way

20/02173/NMA                      Approved                      27 October 2020

Non Material Amendment to planning permission TM/20/00862/FL: Alteration to the internal layout only

#### 5. Consultees:

5.1 EP:                                      No objection

5.2 BC:                                      After looking at the design access statement primarily the executive summary and para 7.6 regarding Part O (over heating) relating to the changes in materials and the type of construction, the details provided would not be unreasonable when looking for compliance with the latest requirements under the Building Regulations. It should be noted that the Building Regulation compliance is being dealt with an Approved Inspector under Initial Notice 22/00906/IN.

5.3 Neighbours:                      6 objections (summarised)

- The application is retrospective, flouting planning rules
- The roof material is totally out of keeping and unsympathetic in a dominant position
- The application shows properties in a much wider area to provide justification for the changes
- Lack of notification of changes
- Lack of Council action from planning enforcement or building control
- Overbright security lights
- Lack of privacy

#### 6. Determining Issues:

6.1 Retrospective planning permission can be sought and determined by the Local Planning Authority under Section 73a of the Town and Country Planning Act 1990. Extract of the act below.

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**73A Planning permission for development already carried out.**

- (1) On an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.
  - (2) Subsection (1) applies to development carried out—
    - (a) without planning permission;
    - (b) in accordance with planning permission granted for a limited period; or
    - (c) without complying with some condition subject to which planning permission was granted.
  - (3) Planning permission for such development may be granted so as to have effect from—
    - (a) the date on which the development was carried out; or
    - (b) if it was carried out in accordance with planning permission granted for a limited period, the end of that period.】
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6.2 Guidance on retrospective planning applications can be found on the National Planning Practice Guidance under Paragraph: 012 Reference ID: 17b-012-20140306 which states:

A local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application ([section 73A of the Town and Country Planning Act 1990](#)) without delay. It is important to note that:

- although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way;
- an enforcement notice may also be issued in relation to other elements of the development.

6.3 This legislation and guidance confirm that it can be appropriate for an applicant to submit a planning application to regularise works that have already been carried out and whilst the LPA must not pre-empt any determination it is important to note that the determination must be carried out in the normal way.

6.4 The application states that the alterations were in response to the updating of the Building Regulations and the roadmap to the Future Homes Standard. This is in addition to the targets set out by the Royal Institute of British Architecture and the Institution of Structural Engineers. The application also makes reference to a restrictive covenant, but such matters are civil and beyond the control of the planning system.

6.5 The original application was determined with regard to the Local Development Plan and the National Planning Policy Framework. In particular the principle of the

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new dwellinghouse was found to conform to Policy CP11 of the TMBCS and paragraph 11 of the NPPF. In addition, the original assessment made reference to local plan policies Policies CP24 of the TMBCS and SQ1 of the MDE DPD, and paragraph 127 of the NPPF. The latter has since been updated and now paragraph 130 is of relevance.

- 6.6 The original Delegated Officer Report is attached at Appendix One. For completeness however the relevant policies can be summarised thus.
- 6.7 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires all new development to protect, conserve and, where possible enhance the character and local distinctiveness of the area. The aims of these local plan policies are echoed in paragraph 130 of the NPPF.
- 6.8 Paragraph 130 sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history.
- 6.9 The alterations to window sizes are minimal and make little discernible difference to the overall appearance of the dwellinghouse as built. Similarly, the introduction of a porch canopy and minor expansion of the dwellinghouse raise no further issues that were not considered at the time of the original submission. It would have been reasonable to deal with these amendments through the Non Material Amendment route. However, the change from brick to render and concrete roof tile to metal material alter the appearance of the dwellinghouse and therefore it is appropriate to submit a planning application for this element of the proposal.
- 6.10 Paragraph 134 of the NPPF seeks to ensure that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 6.11 The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. It forms part of the government's collection of planning practice guidance and was intended to be read alongside the separate planning practice guidance on design process and tools.
- 6.12 Paragraph 56 of the National Design Guide states that:

*“Well-designed places contribute to local distinctiveness. This may include:*



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- *adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area;*
  - *drawing upon the architectural precedents that are prevalent in the local area including the proportions of buildings and their openings;*
  - *using local building, landscape or topographical features, materials or planting types;*
  - *introducing built form and appearance that adds new character and difference to places, with particular attention to how buildings meet the ground and sky;*
  - *creating a positive and coherent identity that residents and local communities can identify with.”*

- 6.13 The wider area is identified as being of mixed character. The use of render is not unusual in the area, nor in similar residential estates within Tonbridge. The use of metal roofing however has been identified by objectors as being both out of keeping and unsympathetic, which is accentuated by the position of the dwelling being adjacent to the highway.
- 6.14 It is noted that the use of a metal roofing material is more contemporary than the original concrete tile. However, the area is identified as being of mixed character and does not benefit from any particular designation such as a Conservation Area. In light of the character of the immediate and wider area and the absence of any formal designation the use of a metal roofing material would not warrant a refusal of planning permission on this basis.
- 6.15 Objectors have drawn attention to the alleged lack of action on behalf of the Council. For clarity the site is the subject of an ongoing planning enforcement enquiry as demonstrated by the current application. It must also be noted that it is not the role of the building control regime to identify possible breaches of planning and it appears that the building control function is being undertaken by an independent building inspector rather than the Council.
- 6.16 Objectors also raise concern regarding the existing security lights at the dwellinghouse. The government planning portal website notes that light itself, and minor domestic light fittings, are not subject to planning controls. It is therefore usually accepted that unless the proposed lighting materially alters the appearance of the dwelling planning consent is not required. However complaints regarding artificial light can fall within the Environmental Protection Act 1990, should the level of intensity and subsequent harm constitute a statutory nuisance. This matter therefore falls beyond the scope of the planning system.
- 6.17 In conclusion, the amendments to the window sizes, introduction of a porch overhang and alteration to the size and position of the dwellinghouse do not materially affect the appearance of the dwelling. The use of render and metal roof

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material is also acceptable when assessed with regard to the relevant local and national planning policies and associated guidance. The retrospective nature of the application has no bearing on the appropriateness or otherwise of the amendments to the original approval and I therefore recommend planning permission is granted.

**7. Recommendation:** planning permission is approved

- 7.1 This was approved in accordance with the following submitted details: Location Plan dated 16.03.2023, Proposed Floor Plans 1000 dated 16.03.2023, Block Plan 5000 dated 16.03.2023, Perspective view 5100 dated 16.03.2023, Proposed Roof Plan 1200 dated 16.03.2023, Proposed Elevations 2201 dated 16.03.2023, Proposed Elevations 2202 dated 16.03.2023, Proposed Elevations 2203 dated 16.03.2023, Proposed Elevations 2204 dated 16.03.2023, Drainage Layout dated 17.03.2023

**Conditions:**

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C and E of Part 1 of Schedule 2 of that Order.

Reason: To prevent an overdevelopment of the site.

- 2 The existing vehicle parking and turning area shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 this reserved parking space.

Reason: In the interests of highway safety.

- 3 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed 'This was approved in accordance with the following submitted details'.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

Contact: Maria Brown



**APPENDIX ONE**

Delegated Report for TM/20/00862/FL: New bungalow to the rear of 15 Estridge Way approved with conditions on 19 June 2020

**Applications delegated to Director of Planning,  
Housing & Environmental Health to determine**

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**TM/20/00862/FL**

**Location:** 15 Estridge Way Tonbridge Kent TN10 4JS

**Proposal:** New bungalow to the rear of 15 Estridge Way

**Target Date:** 19 June 2020

**EOT Target Date:**

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**1. Description of Proposal:**

- 1.1 Planning permission is sought to erect a single one bedroom dwelling in the rear garden of No 15 and access this from an existing vehicular access sited on Croft Close (positioned on the Northern side of the property).
- 1.2 The total site area currently measures around 594 m<sup>2</sup>. (Approx 0.06 hectares). It is proposed to subdivide this into two plots, 414m<sup>2</sup> for No 15 Estridge Way with 180m<sup>2</sup> available for the new dwelling.
- 1.3 The proposal is to construct a single detached bungalow of a similar scale and mass to the existing property No 2a Croft Close opposite. The Gross External Floor Area or footprint proposed for the new dwelling is to be 80.5 m<sup>2</sup>.

**2. The Site:**

- 2.1 15 Estridge Way is a late 1940's semi-detached 3-bedroom house situated on a corner plot, adjoining Croft Close within the built confines of Tonbridge. The house itself is defined by simple brick façades and sits beneath an interlocking concrete tiled roof. To the north of the dwelling is a single storey attached garage of brick construction which sits beneath a flat bitumen roof. Currently the property provides parking for three vehicles (plus the single garage).
- 2.2 Due to Covid 19 restrictions a site visit has not taken place. However recent photographs have been submitted of the site within the Design and Access Statement and these are reproduced as follows:-





### 3. Planning History (relevant):

TM/81/10926/FUL      grant with conditions      11 November 1981

Single storey extension at side to form garage, utility room and w.c. and new front porch.

### 4. Consultees:

4.1 EP : No objections

4.2 KCC Heritage: No response

4.3 Neighbours: (expired 27/05) No comments received

## 5. Relevant Policies & Determining Issues:

### Principle

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it *'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*.
- 5.2 The site lies within the Tonbridge urban confines where policy CP11 of the TMBCS will apply. Policy CP11 requires that development will be concentrated within the confines of urban areas. The proposal would therefore comply with the requirement of CP11.
- 5.3 TMBC cannot presently demonstrate a five year supply of housing when measured against its objectively assessed need (OAN). In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the NPPF. For decision making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.4 In this case there are no policies within the framework which would protect areas or assets of particular importance (footnote 6) that affect the application site. Paragraph 11(d)ii is therefore engaged and it will need to be considered whether there are any adverse impact of the scheme that would outweigh the benefits.

### Design/ street scheme / Layout

- 5.5 Policies CP24 of the TMBCS and SQ1 of the MDE DPD and the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

- 5.6 Paragraph 127 of the NPPF sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.7 The proposal seeks to erect a one bedroom detached bungalow in the rear garden of 15 Estridge Way fronting on to Croft Close. The dwelling seeks to replicate the size and form of that of a bungalow that was built opposite the site of the proposed dwelling at 2a Croft Close in 1992 (ref 92/00726/FL) and this proposal also seeks to match its materials. The dwelling is of a simple form, brick built under a tiled pitched roof with a small courtyard area to the rear and a single parking space. I consider the design and appearance of the proposal to be wholly in keeping with the wider area.
- 5.8 With regards to the positioning of the dwelling within the site the dwelling does project beyond the return general building line in Croft Close, yet due to its subservient design it would not appear prominent or out of place, in my view. I therefore consider its positioning to be acceptable.
- 5.9 The proposed design would be appropriate for the character of the area and would not detract from the street scene to accord with Policies CP24, SQ1 and Paragraph 127 of the NPPF.

#### Residential Amenity

- 5.10 The new dwelling is a single storey bungalow with no rooms proposed in the roof, yet still allows for reasonable spacing to all the boundaries. There are secondary



windows proposed in one of the flank elevations yet the principle windows are to the front and rear of the proposed dwelling. Due to the existing 2m boundary fencing between the existing dwellings that will bound the site (13 and 15 Estridge Way and 1 Croft Close) with the proposed dwelling it will not result in over looking to existing private garden areas.

- 5.11 Based on its proposed position and the current level of privacy I do not consider the proposal would result in a loss of light or impact on privacy to significantly harm the residential amenity of the neighbouring properties.

Highway safety and parking provision

- 5.12 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

- 5.13 The adopted parking standards are contained within Kent Design Guides Interim Guidance Note 3 on residential parking (IGN3). These set out that a one bed property within this urban/sub-urban area such as this should have a minimum of 1 parking spaces. The proposal therefore meets these requirements, additionally it utilises an existing access. The development is therefore acceptable in terms of paragraph 109 of the NPPF, accords with the adopted standard set out in IGN3 and policy SQ8 of the MDE DPD.

*Conclusion*

- 5.14 With the above assessment in mind, I consider that the proposal is acceptable in terms of the requirements of the NPPF and the adopted LDF policies. I do not consider the proposal would result in an adverse impacts that would significantly and demonstrably outweigh the benefits of the provision of the dwelling. The presumption remains to be applied and planning permission should be granted subject to conditions.

**6. Recommendation:**

- 6.1 **Approved** in accordance with the following submitted details

Block Plan JBA.95 TP 02 received 24.04.2020, Proposed Floor Plans JBA.95 TP 03 received 24.04.2020, Proposed Elevations JBA.95 TP 04 received 24.04.2020, Proposed Elevations JBA.95 TP 05 received 24.04.2020, Proposed Elevations JBA.95 TP 06 received 24.04.2020, Proposed Elevations JBA.95 TP 07 received 24.04.2020, Section JBA.95 TP 08 received 24.04.2020, Street Scenes JBA. 95 TP 09 received 24.04.2020, Artist's Impression JBA.95.TP 10 1

received 24.04.2020, Artist's Impression JBA.95 TP 11 2 received 24.04.2020, Location Plan JAB.95 TP 01 received 24.04.2020, Letter received 24.04.2020, Design and Access Statement received 24.04.2020 /subject to the following:

**Conditions/Reasons**

- 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.

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 the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C and E of Part 1 of Schedule 2 of that Order.

Reason: To prevent an overdevelopment of the site.

- 4 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space 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 2015 (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 this reserved parking space.

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

Signed.....Rebecca Jarman....(signed electronically).....  
Rebecca Jarman

Endorsed By: Robin Gilbert (electronic signature)

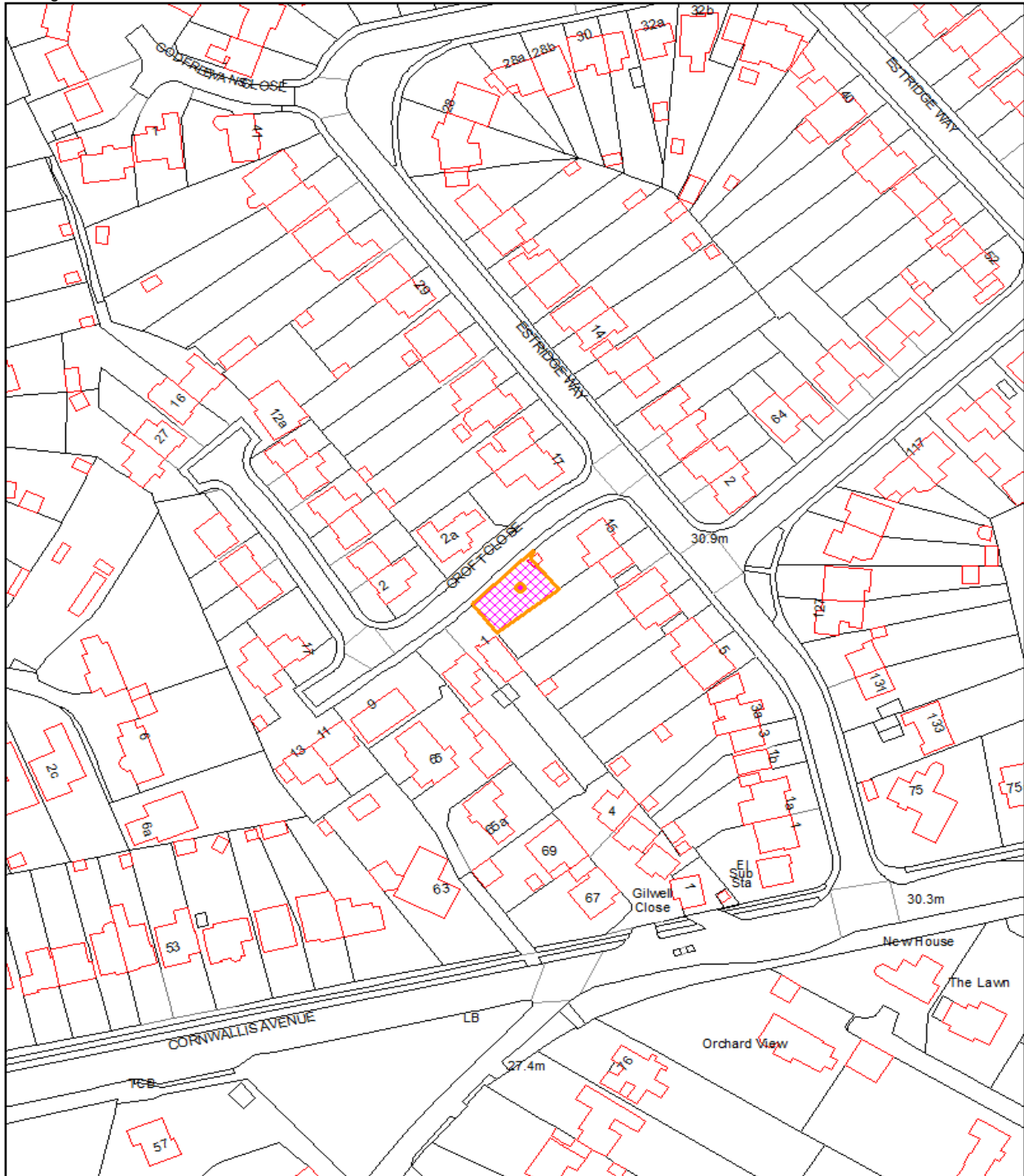
Dated 19.06.2020

**TM/23/00364/FL**

1A Croft Close Tonbridge Kent TN10 4LA

New bungalow to the rear of 15 Estridge Way (Revision to TM/20/00862/FL)

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# Agenda Item 7

To receive and note any update in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee.

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# Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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