

Tonbridge
Medway

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TM/14/02628/OA

Proposal: Outline Application: Demolition of garage to rear. Change of use of existing retail shop to a 1-bed flat. Extension and conversion of storage building to form 2no. 1-bed flats and 1no. 2-bed dwelling house

Location: 82 Goldsmid Road Tonbridge Kent TN9 2BY

Applicant: Mrs Olive Clinker

1. Description:

- 1.1 Members will recall that this application was deferred from the February meeting of the Area 1 Planning committee to allow a Members' Site Inspection to take place and also to enable further negotiations to take place regarding the design of the proposed development.
- 1.2 The Members' Site inspection took place on 17 June and the issues raised during that inspection will be discussed later in this report.
- 1.3 Negotiations have taken place since February and the scheme has been formally amended. The principal changes to the development are:
 - The extended/new build section would now have a uniform ridge height. Previously, the new dwelling on the eastern end (Unit 4) had a higher ridge height than the 'mid' section of the development.
 - The overall height of the extended/new build section has been reduced by between 0.7m and 1.7m by the use of a truncated roof. The end unit (Unit 4) is also to now be finished externally with red brickwork to match the existing building. Previously, it was proposed to finish this with a through colour render (natural stone).
- 1.4 A copy of my previous report is annexed for ease of information.

2. Consultees: (received since 26 February 2015)

- 2.1 Private Reps: One additional response has been received, raising the following objections to the development:
 - A slight reduction to the height of the building appears to be shown but without clear measurements on the drawing it is impossible to tell whether this represents a material difference.
 - Any increase in the height of the building would result in a loss of light to the neighbouring dwelling and overshadowing its garden.

- The density is way beyond an appropriate level for the size of the plot of land.
- Any increase in the number of parked vehicles in this area will have an impact upon road safety.
- There will not be sufficient room for bins to be left out along Goldsmid Road as this would impact upon pedestrian safety.
- The fact that this building plot has access to other modes of transport is not a genuine reason to argue why no specific parking is required.

3. Determining Issues:

3.1 Dealing firstly with the implications of the amendments to the proposal, I consider that the revised design of the building has resulted in an overall reduction in height and associated bulk. This has resulted in the extended/new build section of the building being between 0.6 and 1.3m taller than the existing storage building. This is considered to be acceptable both in visual terms and in terms of impact on the nearest neighbouring properties. Members were concerned that the previous scheme appeared somewhat disjointed in visual terms, with variances in eaves and ridge height. The amendments have sought to overcome this not only through reducing the overall height of the new build element but also through a simplification of the design approach.

3.2 Turning to the matters specifically raised during the Members' Site Inspection, a question was asked as to what alternative uses could be made of the existing buildings within this site without needing to be the subject of a planning application. My previous report referred to the different types of retail use that could lawfully take place within this building without needing a separate planning permission. Furthermore, under current permitted development rights contained within the Town and Country Planning (General Permitted Development) Order 2015, the use of the buildings within this site could change to the following without needing to be the subject of an application for planning permission:

- A restaurant
- A mixed use of retail (A1 use) and up to two flats
- A mixed use of Financial & Professional Services (A2 use) and up to two flats
- A use falling within Use Class D2 (Assembly and Leisure) (which includes a cinema, gymnasium, other indoor sports and leisure uses or a concert hall, for example)
- Dwellings (including flats or houses).

- 3.3 I would however stress that the physical works of alteration and extension to the building as set out in the current proposal could not be carried out under permitted development rights.
- 3.4 Members questioned whether there would be any potential implications arising from the likely postal addresses of the proposed dwellings (whether they be named as Goldsmid or Hectorage Road) affecting the ability of future residents to obtain residents parking permits from the Borough Council. This matter is currently undergoing further investigation and further information will be reported as a supplementary matter. I would however stress that the nil parking provision in this case accords with the adopted parking standards set out in IGN3, as detailed in my previous report.
- 3.5 Members also asked for clarification regarding the arrangements concerning bin storage and setting out of bins on collection day. A dedicated building to accommodate bins is not proposed in this instance. Instead, the bins would be positioned within the shared private yard serving the proposed flats, which would be expected of a development of this size. As the applicant and the agent confirmed during the site inspection, the bins would either be moved through the communal hallway to Hectorage Road or taken over the right of way that exists to the rear of the neighbouring property at 84 Goldsmid Road. How the bins are moved to the public highway and back on the day of collection is not a material planning consideration but is, rather, a logistical one for the occupiers of the dwellings to resolve. Private access rights are not something that can be controlled by the planning system.
- 3.6 Members were usefully able to stand in the neighbouring garden and take the opportunity to view the application site from that vantage point. This raised questions regarding the impact of the development upon the amenity of this neighbour in terms of both overshadowing and overlooking. The development proposed would bring the amount of built form marginally closer to the boundary shared with this neighbour and it would also be marginally higher. Furthermore, Members noted that the end house (Unit 4) would extend some 3m back towards the neighbouring garden, effectively wrapping around the neighbouring land. This would change the aspect from the neighbouring private garden but would not, in my view, result in such an unacceptable overbearing or dominating impact adversely affecting the enjoyment of this private space to such an extent to justify the refusal of planning permission. This is directly attributable to the fact that the development will only be marginally closer and taller than the existing store building.
- 3.7 The ground floor windows proposed to serve Flat 2 would be positioned lower down on the rear elevation than the existing windows in the rear elevation of the storage building. This is accounted for by the fact that the ground floor level of the new units would be lower than that of the existing storage building by approximately 0.5m. Specific details of the finished floor levels can be required

by condition. With this change in land levels in mind, I am satisfied that the reduced height of the ground floor level within the proposed dwellings would be similar to the level of the neighbour's garden. The proposed ground floor rear facing windows would, therefore, look onto the existing boundary fence that encloses that neighbouring garden. Accordingly, the private garden of 84 Goldsmid Road would not be overlooked by these particular windows.

- 3.8 As was clarified during the site inspection, the roof light windows located within the rear roof slope of the building serving Flat 3 would be positioned a minimum of 1.7m above the floor level of the room they would be located within. This is the height accepted by the Government to be the minimum necessary to safeguard the privacy of neighbouring properties when windows would face towards the private gardens of neighbouring properties. The rear facing window in the end unit (Unit 4) at first floor level would not look into this private garden either.
- 3.9 Officers explained that the nearest window within the neighbouring building serves the stairwell rather than a habitable room. Such windows are not directly considered for the purposes of assessing the impact on residential amenity, meaning that the impact of the development on the amount of light received to habitable room windows would be acceptable and there would be no grounds to refuse planning permission on this matter.
- 3.10 The owner of the neighbouring property did ask for clarification as to who would be liable should she fall down the stairs as a result of less light being received to the stairwell window. This is not a matter which the planning Committee can take into consideration, given the analysis above. However, it is noted that there would be no liability on the Council in such an event.
- 3.11 In light of the above, I consider that the proposed development meets the requirements of the NPPF and LDF. I therefore recommend that planning permission be granted.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 29.07.2014, Existing Plans 1196 P001B dated 29.07.2014, Proposed Plans and Elevations 1196 P002 F dated 17.03.2015, Email dated 12.02.2015, Letter dated 19.01.2015, subject to the following conditions:

Conditions:

1. Approval of layout, access to and within the site and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. 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.

5. No development shall take place until details of the finished floor levels of the development hereby approved in comparison to the existing land levels within the site have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

6. The roof light windows on the rear (north west) elevation of units 2 and 3 shall be installed so that their internal cill level would be no lower than 1.7m above the floor level of the room they would be located within and shall be maintained as such at all times thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

7. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others 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.

Informatives

1. 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 Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@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.
2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
3. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
4. The applicant is advised to inform future occupiers of this development that it would be unwise to rely on regular access to the limited on-street parking that is available in the locality.

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