

5.3 Private Reps 4 + Site + Press Notice/0X/4R/0S. Objections have been raised on the following grounds:

- Overdevelopment of the site – the application results in a small poor quality dwelling and awkwardly shaped rear garden;
- The scale and proportions are out of keeping with surrounding properties;
- The garage is subservient to the development, but the new dwelling will not be;
- The building line of the two neighbouring properties has been ignored, adding to a dominance in the street scene;
- The building should be reduced in size by 1 storey and set further back to reduce its dominance;
- The application does not offer a well-considered and cohesive plan;
- The submitted plan fails to provide a true reflection of the development as Nos 51 and 52 are omitted from the plan;
- No objection to the additional property, but concerned at another development in this tight and crowded road;
- Strong potential for road traffic accidents;
- The road should be resurfaced by the developer as it's in very poor condition, exacerbated by numerous recent developments;
- Residents have previously been promised that the road will be resurfaced;
- Road restrictions and traffic calming measure should be put in place – sleeping policeman, 20mph speed limit, double yellow lines;
- Parking in the road causes a problem;
- As the road is narrow it does not permit two vehicles to pass each other - a full traffic management and delivery plan should be put in place to minimise disruption to residents;
- Consideration should be given to re-modelling the entrance/exit onto Bordyke/Hadlow Road, as there is potential for accidents;
- An investigation should be carried out of 3 new outlet pipes from the new properties adjacent to this plot, which appear to drain into Mill Stream;
- The submitted Contaminated Land Risk Assessment is dated September 2010 and makes no reference to the two new properties;

- The previous development adjacent to the site is being marketed as 4 rather than 3 bed dwellings as approved;
- Further developments along this narrow section of road, which does not have a pavement will increase the risk to pedestrians;
- Residents have been subjected to continued disruption in the past 3 years and the proposals will lead to more disruption;
- The proposed site is not suited to another build, due to its location and the narrowness of the road;
- It will be almost impossible for No.49 to reverse out of their drive;
- There is no turning area at the end of the road causing difficulties in manoeuvrability;
- The contractor/developer should meet with local residents on a monthly basis and a newsletter should be provided to keep residents informed of planned works.

6. Determining Issues:

- 6.1 The delivery of new housing lies at the heart of the NPPF, with the supply for housing to meet need expressed as one of the core roles which the planning system must perform to achieve sustainable development. It states that best use should be made of opportunities within existing urban areas to meet housing need by encouraging the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value (paragraph 111). The NPPF defines previously developed land as being land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. As the proposed new dwelling will replace an existing detached garage the site is considered to constitute previously developed land for the purposes of applying the NPPF in this respect.
- 6.2 Policy CP1 of the TMBCS states that development should be concentrated at the highest density compatible with the local built and natural environment mainly on previously developed land and served by sustainable modes of transport. Policy CP11 of the TMBCS states that development should be concentrated in urban areas where there is greatest potential for the re-use of previously developed land. Development in urban areas can also minimise the need to travel by being located close to existing services, jobs and public transport. With the above considerations in mind, the principle of the proposed development is broadly acceptable in policy terms.

- 6.3 Policy CP24 of the TMBCS relates to achieving a high quality built environment including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of, and relationship between, the pattern of settlement roads and the landscape, urban form and important views.
- 6.4 The NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 56). It also stresses the need for development to respond positively to local character, reflecting the identity of local surroundings whilst not discouraging innovation (paragraph 58).
- 6.5 Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the adjacent listed wall (attached to Grove House) and Conservation Area). Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.
- 6.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In this case, as the site is adjacent to the Conservation Area, particular regard must be had to its setting.
- 6.7 The Tonbridge Character Area Appraisal describes this area as being "enclosed" and "compact", referencing the Victorian cottages which form the entrance to Garden Road as being "*set close to the road behind narrow paved, unenclosed frontages*" with the southern end comprising "*a small development of clustered modern housing*", having a "*quiet residential character*". The character of the road is strengthened by barge boards, slate and tiles roofs, chimneys and contrast brickwork. This character has been reflected in more recent years by several infill developments along the road.
- 6.8 The layout of the proposed dwelling within its plot has been conceived to ensure that it follows the established pattern of development along this section of Garden Road. Furthermore, there would be sufficient separation between the new

dwelling and the site boundaries. The dwelling would be served by a front curtilage comprising two off-street parking spaces (side by side), a decked area immediately behind the house and a rear garden beyond. Whilst relatively small, this would be a sufficient and functional space to serve the related dwelling. For these reasons, I do not consider that the proposal would amount to an overdevelopment of the site, nor would it appear cramped within the plot and, as such, it is of a size and layout commensurate with the prevailing built environment.

- 6.9 The proposed dwelling has been designed to take direct reference from the pair of dwellings immediately adjacent to the site, incorporating a hipped roof (clay tiles), small front dormers, weatherboarding and a chimney stack. Such features will provide visual cohesiveness and ensure that the proposed dwelling successfully integrates within the street scene. The proposed finished floor levels mean that the dwelling would be very slightly higher at its ridge than the new pair of semi-detached dwellings but slightly lower than the ridge of 49 Garden Road. As such, the building would not appear as an incongruous feature within the street scene as a result of its height.
- 6.10 With the above factors in mind, I consider that the proposed dwelling in terms of its layout, built form, scale and detailed design has been well conceived and responds positively to the surrounding built environment. For these reasons, I also consider that the setting of the adjacent Conservation Area would be suitably preserved. Similarly, the setting of the listed brick wall would not be adversely affected by the proposals, and no physical works are proposed to it.
- 6.11 Protected trees sited along the site frontage are shown to be retained which is visually appropriate.
- 6.12 Internally, the dwelling has been arranged in such a way as to ensure that windows serving habitable rooms will not result in any overlooking of neighbours. The windows on the flank wall are shown to be obscure glazed to ensure that there will be no loss of privacy arising from the development. Similarly, the layout of the dwelling within its plot and its specific relationship with the immediate neighbours is such that there would not be any overshadowing or loss of daylight/sunlight arising from the proposal.
- 6.13 Policy CP2 of the TMBCS requires new development to be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres. Local residents have raised concerns that the development will give rise to extra traffic and demand for parking which is at a premium. More generally, I am aware that there is ongoing concern that incremental infill developments along Garden Road have had implications in this regard in recent years. The vehicular access to serve the new dwelling is to remain as existing (currently the access serves the garage) and parking for 2 vehicles will be provided within the front curtilage. Furthermore, replacement parking is to be provided to serve No. 49

within its existing front garden meaning that both dwellings will be served by a level of parking which accords with the adopted standards.

- 6.14 Residents have stated that the developer should be required to produce a construction management plan to minimise disruption for local residents during construction. Whilst the proposed development is relatively minor, Garden Road is a narrow, no-through road and, with this in mind, it would be appropriate in the circumstances to require the applicant to provide a demolition and construction management plan. This can be secured by planning condition. Residents have also stated that the road should be resurfaced and traffic calming measures and alterations to the access should be put in place. Given the nature and scale of the development proposed by this application, such off-site measures could not reasonably be required of the developer in this instance.
- 6.15 The site lies within Flood Zone 2. In principle dwellinghouses are considered to be an acceptable form of development within this flood zone provided that measures are incorporated to ensure suitable built levels, provision is made for appropriate means of escape and that the building is designed in a way that minimises flood risk. The proposed dwelling will be constructed at an acceptable level, and this is accepted by the EA. Furthermore, the proposed vehicle parking areas are shown to be constructed with block paving and 'Core Drive' interlocking panels filled with gravel which is good practice in areas such as this.
- 6.16 The proposed new dwelling is located within relatively close proximity to Cannon Lane meaning that noise impact on the future occupants of the dwelling is a key consideration. It is considered that suitable acoustic protection measures can be designed into the building in order to achieve an acceptable aural environment and such details can be required by planning condition.
- 6.17 The planning application is accompanied by a report in respect of contaminated land which is deemed to be fit for purpose and, given that the garage has always been in residential use rather than for any commercial purposes, there is a low risk of the site being contaminated. As such, I would recommend that a condition be attached to any permission granted to ensure that works stop in the event that any unsuspected contamination is found to allow for a remediation strategy to be brought forward for approval. In light of the above assessment, I consider that the proposal fully meets the requirements of the NPPF and Local Development Framework and I therefore recommend that planning permission be granted subject to conditions.

7. **Recommendation:**

Grant Planning Permission in accordance with the following submitted details: Flood Risk Assessment 2225 June 2015 dated 12.08.2015, Contaminated Land Assessment dated 12.08.2015, Documents Certificate of Analysis dated 12.08.2015, Planning Statement dated 12.08.2015, Statement Validation dated 12.08.2015, Photograph Brick sample dated 12.08.2015, Report Laboratory

dated 12.08.2015, Report Environmental Search dated 12.08.2015, Other Historic Maps 1 to 14 dated 12.08.2015, Plan TR-49 GARDEN ROADS-15 Arboricultural Statement dated 12.08.2015, Floor Plans And Elevations 2344-14-PL001 P6 dated 12.08.2015, subject to the following conditions:

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 above other than the demolition of the existing garage 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 visual amenity of the locality.

- 3 The development shall be constructed at the level indicated on drawing number 2344-14-PL001.

Reason: In the interests of amenity, privacy and flood mitigation.

- 4 Within 3 months of commencement of development full details of a scheme of acoustic protection of habitable rooms of the building have been submitted to and approved in writing by the Local planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels are in accordance with BS8233:2014. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: In the interests of aural amenity of the occupants of the new dwelling.

- 5 If during development, ground contamination is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of protection of the environment and harm to human health in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 6 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 Class A, B, C, D

or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To prevent over development of the site, in the interests of visual and residential amenity.

- 7 The new dwelling hereby approved shall not be occupied, until the area shown on drawing number 2344-14-PL001 as vehicle parking space to serve that dwelling 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.

- 8 Within one month of the commencement of the development hereby approved until the parking area shown on drawing number 2344-14-PL001 to serve No.49 Garden Road shall be 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.

- 9 A clear, unobstructed access route from the dwelling to the highway should be provided to secure an exit route from the site under flood conditions.

Reason: To significantly reduce the risk to life and avoid entrapment on the site.

- 10 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 11 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 12 The windows on the north west flank elevation shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

Reason: In the interests of residential amenity.

- 13 The proposed driveway is to be constructed of a porous material or provision should be made to direct water run-off from the hard surface to a permeable or porous surface within the curtilage of the dwellinghouse.

Reason: To ensure that the development is in accordance with National requirements and does not increase the risk of flooding in the area.

- 14 Prior to the commencement of the development hereby approved, arrangements for the management of demolition and construction traffic to and from the site (including hours of operation and deliveries of materials to the site) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation has been agreed by the Local Planning Authority in writing beforehand.

Reason: In the interests of residential amenities and highway safety.

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. 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.
3. The applicant is advised that the Local Authority operates a back edge of public highway refuse collection service. Bins should therefore be moved to the boundary of the site close to the public highway for use on collection day.
4. With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181.
5. 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
6. 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.
7. The development involves demolition and owing to the likelihood of the garage containing or being constructed of asbestos the applicant is advised to contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

Contact: Vicky Bedford