

**Alleged Unauthorised Development**

**West Malling**

**15/00252/WORKM**

**567914 158051**

West Malling And  
Leybourne

Location: 60 Ryarsh Lane West Malling Kent ME19 6QP

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**1. Purpose of Report:**

- 1.1 To report the unauthorised construction of a dormer window within the front facing roof slope of 60 Ryarsh Lane without the benefit of planning permission.

**2. The Site:**

- 2.1 The application site is located on the northeast side of Ryarsh Lane, about 175m to the west of King Street close to the centre of West Malling. It comprises a semi-detached conventional bungalow on a linear plot. A large paved hardstanding area for the parking of cars is provided to the front of the property.
- 2.2 The immediate locality consists of a small number of residential properties along the north-eastern side of Ryarsh Lane, with allotments on the southern side and the West Malling Cricket Pitch further to the south. The application site backs onto the railway line to the north. The other semi-detached dwelling of No.58 Ryarsh Lane adjoins to the east, with the detached dwelling of No.64 Ryarsh Lane to the west on the other side of a garage.

**3. Planning History (relevant):**

- 3.1 TM/14/00597/FL Refused 14 April

Hip to gable roof enlargement and insert dormers to front and rear elevation to provide first floor accommodation: Juliet balcony to front.

- 3.2 TM/14/01901/FL Approved 11 July 2014

Hip to gable roof enlargement and insert dormers to front and rear elevations to provide first floor accommodation (Resubmission of TM/14/00597/FL)

**4. Alleged Unauthorised Development:**

- 4.1 Without planning permission the construction of a dormer window to the front facing roof slope without the benefit of planning permission from this Authority.

## **5. Determining Issues:**

- 5.1 It has come to the attention of the Authority that a roof extension (dormer) has been constructed within the front facing roof of this dwelling, which does not accord with the approved planning permission (TM/14/01901/FL) for the following reasons:
- It is larger in size and scale than the approved extension, occupying a greater proportion of the roof slope;
  - It has been clad in white UPVC cladding whereas the approved scheme indicated that the dormer would be clad in tile hanging to match the main roof (a condition was imposed to the planning permission to control this);
  - It includes a full size door opening rather than a centrally positioned window as approved.
- 5.2 Policy CP24 of the TMBCS requires 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 (2010) 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.
- 5.3 Saved policy P4/12 of the Tonbridge and Malling Borough Local Plan relates specifically to extensions to residential properties such as this. This policy states that extensions should only be permitted where they would have no adverse impact on:
- The character of the building or the street scene in terms of form, scale, design and materials;
  - Residential amenity of neighbouring properties in terms of light and privacy and overlooking of private garden areas.
- 5.4 The annexe guidance accompanying saved policy P4/12 provides specific guidance on the design of dormer windows. This guidance states that dormers should be in keeping and in scale with the roof area in which they are installed. Separate dormers which reflect the window proportions of the main dwelling are visually more appropriate than a single large dormer. Large box-like structures which appear to add an additional floor to the dwelling by completely altering the original roofline will not be permitted.

- 5.5 When taking the above policy requirements into consideration, I consider that the dormer as constructed, by virtue of its substantial size, occupying a significant proportion of the roof slope, its detailed design, including the provision of a full size door opening and the materials used in its cladding, when taken cumulatively has resulted in it appearing as an intrusive and discordant feature which harms the appearance of the dwelling and the visual amenities of the street scene.
- 5.6 It should also be noted that planning permission was previously refused for the insertion of a front facing dormer window (TM/14/00597/FL refers). That scheme was refused for the following reason:

*“The proposed development, by reason of the size and unsympathetic design of the front dormer, would have a demonstrably harmful effect on the appearance the dwelling, the street-scene and the character of the area. The proposal is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.”*

- 5.7 I consider that the dormer as constructed, actually more closely resembles the previously refused scheme than that subsequently approved.
- 5.8 For the above reasons I consider that it is expedient to take enforcement action to seek the removal of the unauthorised development. The owner is still able to implement the scheme approved under planning reference TM/14/01901/FL and the serving of an Enforcement Notice in this regard would not preclude him from doing so.

## **6. Recommendation:**

- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised development, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Richard Edmonds