

Tonbridge
Higham

21 March 2016

TM/16/00957/FL

Proposal: Proposed two storey chalet style detached dwelling with associated parking and garden areas
Location: 1 Rodney Avenue Tonbridge Kent TN10 4JR
Applicant: Mr & Mrs Mark Bridgewater

1. Description:

1.1 Planning permission is sought for the erection of a detached dwelling within the side garden of 1 Rodney Avenue.

1.2 The proposed dwelling has been designed with a chalet style appearance and incorporates gable roof detailing to the front (north) and rear (south) elevations, along with a glazed gable to the east flank elevation. The proposals include a vehicle access and hardstanding area on the west side of the application site, between the proposed dwelling and No.1, with access directly onto Rodney Avenue.

1.3 This application follows an earlier refusal of planning permission (determined under delegated powers) for the erection of a two storey detached house (TM/15/00414/FL refers). The reason for refusal on that occasion being:

“The proposed new dwellinghouse, by virtue of its specific siting and detailed design combined with the constrained nature of the plot, would result in a dominant and obtrusive form of development which would be out of character with and harmful to the street scene and surrounding locality. The proposed development is therefore contrary to policy CP24 of the Tonbridge and Malling Core Strategy 2007, policy SQ1 of the Managing Development and the Environment Development Plan Document 2010 and the core principles of the National Planning Policy Framework (paragraphs 17, 58 and 64).”

2. Reason for reporting to Committee:

2.1 At the request of Councillor Tom Edmondston-Low due to the high level of local concern.

3. The Site:

3.1 The site lies within the urban confines of Tonbridge and currently forms part of the side garden area to the east of No.1 Rodney Avenue. The site is formed of an unusual shaped plot, with the site being bordered by roads on 3 sides.

3.2 The ground level slopes away from the application site to the north and also to the east.

- 3.3 Rodney Avenue is a residential cul-de-sac comprising detached bungalows, many of which have been extended. The application site is also viewed within the wider context of Cornwallis Avenue, due to its siting, which has a mixture of house types and styles.

4. Planning History (relevant):

TM/57/10067/OLD grant with conditions 5 November 1957

Semi-bungalow and garage.

TM/57/10090/OLD grant with conditions 6 August 1957

Outline application for erection of 2 dwellings.

TM/03/01889/FL Grant With Conditions 7 August 2003

Demolish existing garage and construct two storey side extension

TM/15/00414/FL Refuse 13 April 2015

Proposed 2 storey detached house with associated vehicle and pedestrian access with onsite parking and private garden

TM/15/03841/FL Application Withdrawn 15 January 2016

New dwelling

5. Consultees:

5.1 KCC (Heritage): No comments to make.

5.2 Neighbours: (15/0X/15R/0S) (2x letters from one property), raising the following key concerns:

- Government planning policy gives Council's new powers to stop unwanted development on gardens;
- Overdevelopment – the dwelling will fill the site leaving little garden, having a cramped effect and is unsuitable in size and location;
- The submitted plans overstate the size of the plot;
- Will block light and air to No.3;
- Will overlook properties to the north;

- Cars will be left on the road/pavement due to proposed tandem parking and too small turning area impacting other properties;
- Construction vehicles, skips etc will have no alternative but to park on the road – should be made to stay out of Rodney Avenue;
- The entrance on the narrow “s” bend will cause traffic disruption;
- The proposed access looks hazardous;
- Traffic lines/visibility will be reduced by the siting of the dwelling;
- Detrimental to character of road – design out of keeping and dominant position;
- The new property stands in front of the building lines for Rodney Avenue and Cornwallis Avenue;
- The A26 is an increasingly busy and noisy road; an additional building and fence will reflect the noise back across the road to Cornwallis Avenue;
- The site is close to Flood Zone 3;
- Virtually all of the trees and shrubs will be removed; and
- The bin store is located adjacent to the turning area so will impact space.

6. Determining Issues:

Principle of development:

- 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). Whilst residential gardens are not defined as previously developed land, there is no automatic embargo on the development of such land per-se. The NPPF simply states that land in built-up areas such as private residential gardens is not considered to be "previously developed land" i.e. brownfield land. More fundamentally in the consideration of this planning application, there is a general presumption in favour of sustainable development and the best use of land within urban areas. This is supported by policy CP11 of the TMBCS which states that development should be concentrated in urban areas including Tonbridge.
- 6.2 Furthermore, Rodney Avenue is predominantly characterised by detached bungalows, many of which have been extended, with Cornwallis Avenue

comprising a wider mix of property types and styles and a variety of plot sizes. With this in mind it is not considered that the proposed density of the development and the relatively compact private curtilage area proposed is out of keeping with the prevailing pattern of development in the locality.

- 6.3 Importantly, the previous refusal did not resist the development on any grounds of principle, but rather the specific detail of that earlier scheme was not acceptable.
- 6.4 With these considerations in mind I consider that the broad principle of development of this nature is acceptable.

Character, scale and design:

- 6.3 Policy CP24 of the TMBCS sets out the general criteria for all new development 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 previous reason for refusal focused on the specific siting and detailed design of the building proposed at that time being out of keeping with and harmful to the character and appearance of the locality, given the constrained nature of the plot (given that it occupies a prominent position on a corner plot). The scheme currently before Members for determination has a reduced footprint and the design has been amended substantially in order to take into account the previous refusal.
- 6.5 The proposed building has been designed as a chalet dwelling, with rooms in the roof space. In my view, the design of the building, which incorporates brick, painted render and wooden cladding, has been carefully considered and adopts a mixture of contemporary design along with a reflection of the scale and proportions of the existing properties within Rodney Avenue. I am mindful of the requirement set out in paragraph 60 of the NPPF which states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. That said, it is however proper to seek to provide or reinforce local distinctiveness. In this case, I consider that the proposed dwelling, in design terms, would sit comfortably within the plot and would not appear obtrusive when viewed from the public street scene settings of both Cornwallis Avenue and Rodney Avenue.

6.6 Due to the particular shape and position of the application site, I do not consider that the siting of the proposed dwelling will have a detrimental impact on the character of the area or street scene as there is no defined building line in this location. Furthermore, owing to the sloping nature of the site, the proposed dwelling would sit at a lower level to the adjacent property at No.1, thus having a reduced impact in terms of scale. As such, I consider that the proposed building would sit comfortably within the existing surrounding built context. Nevertheless, details of finished floor and ridge levels can be required by condition.

Residential amenity:

6.7 The dwelling is proposed to be well separated from its nearest neighbours and this specific siting would ensure that there would be no harmful impact on the amenities of these neighbours in terms of daylight/sunlight or feelings of general oppressiveness. No.1 Rodney Avenue has existing openings within the east elevation and a roof terrace facing towards the application site. A window is proposed within the flank wall of the new dwelling which will face towards this roof terrace. To protect the residents of these properties a condition will be attached requiring this west flank window (which serves the stairwell) to be obscure glazed. The "picture window" proposed within the east flank of the new building will look towards the garden and the road beyond rather than having a direct relationship with any neighbouring properties.

Highway safety and parking provision:

6.8 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. Paragraph 32 of the NPPF requires that decisions should take account of whether a safe and suitable access to the site can be achieved for all people and states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. The proposals include the widening of an existing shared access to provide a new driveway to No's 1 Rodney Avenue and 1A Rodney Avenue (the proposed dwelling), with the access for 1B Rodney Avenue being retained. To the front boundary the proposals show a low level wall and soft landscaping. A condition will be attached requesting details of the boundary treatments are submitted to ensure adequate visibility is maintained. The driveway to serve the new dwelling shows parking to be provided for two cars in tandem along with a turning area. This meets the adopted standards set out in IGN3 for a residential dwelling of this size in a location such as this.

6.9 I recognise that there is local concern about how construction vehicles might be managed given that this is a relatively small residential cul-de-sac. However, a degree of construction traffic results from any new development and this is not a material planning consideration. An informative can be attached to any permission

granted to request that the applicant ensures that construction works are carried out in a sensitive manner.

Other matters:

- 6.10 Whilst some trees are shown to be removed to facilitate the proposed development, these are not protected and the site is not located within a Conservation Area. As such, they could be removed at any point without consent. It is considered that the trees which are to remain, along with the proposed additional soft landscaping, are satisfactory in retaining the character of the area.
- 6.11 The site lies within Flood Zone 1 and as such there are no justifiable grounds to resist the proposed development on grounds of flood risk.
- 6.12 In light of the above considerations, I consider that the proposed scheme responds positively to the nature of this site and successfully overcomes the previous reasons for refusal and meets the requirements of the NPPF and LDF. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Artist's Impression CONTEXTURAL VIEWS 1-5 dated 21.04.2016, Topographical Survey S14/4474/01 dated 27.04.2016, Design and Access Statement dated 21.03.2016, Location Plan A 010 proposed dated 21.03.2016, Site Plan A 011 existing dated 21.03.2016, Existing Elevations A 012 dated 21.03.2016, Sections A 013 existing dated 21.03.2016, Drawing A 014 existing 3D views dated 21.03.2016, Site Plan A 200 proposed dated 21.03.2016, Proposed Plans A 201 dated 21.03.2016, Proposed Plans A 202 dated 21.03.2016, Proposed Elevations A 203 dated 21.03.2016, Proposed Elevations A 204 dated 21.03.2016, Sections A 205 proposed dated 21.03.2016, Drawing A 206 proposed 3D views dated 21.03.2016, 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 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 visual amenity of the locality.

3. 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.

4. The driveway to serve the development hereby approved shall 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.

5. Within 3 months from the commencement of the development full details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved plans.

Reason: To protect the visual amenities of the area and in the interests of highway safety.

6. No obstruction to vision exceeding 1.05 metres in height shall be placed to the northern boundary of the site, so as to provide a visibility splay. The visibility splay shall be retained thereafter.

Reason: To ensure the safe and free flow of traffic.

7. 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.

8. No development shall take place until details of the finished floor levels, eaves and ridge heights of the dwelling hereby approved in relation to the neighbouring property at No.1, 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 visual amenity of the locality.

9. Within 3 months of commencement of the development full details of a scheme of acoustic protection for the habitable rooms of the building shall be 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.

10. The first floor window on the west 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 dwelling is occupied and shall be retained thereafter.

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

Informatives:

1. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the collection day.
2. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
3. The applicant is reminded that private vehicles and construction traffic should be parked considerably to reduce hazards to vehicles and pedestrians.
4. 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.

Contact: Vicky Bedford