

Tonbridge
Judd

29 July 2016

TM/16/02306/FL

Proposal: Ground floor extension to existing rear two storey out-building and internal refurbishment works to storage, garage and workshop/studio spaces
Location: 13 Cromer Street Tonbridge Kent TN9 1UP
Applicant: Ms Vanessa Lines
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1. Description:

- 1.1 Planning permission is sought for an extension to an existing two storey outbuilding located within the rear garden of 13 Cromer Street Tonbridge. An area of timber decking with a projecting roof over is also proposed. The extension, along with the general refurbishment of the building, is intended to facilitate the use of the building by the occupants of the main dwellinghouse as a family room, playroom, and workshop and storage area.
- 1.2 An existing garage, which is attached to the outbuilding, is also proposed to be extended to the front.
- 1.3 The refurbishment work includes external upgrades in the form of a standing seam zinc roof incorporating 3 roof lights within the existing building. The proposed extension will be constructed with a standing seam zinc roof and timber cladding to the flank walls of the extension.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllrs Cure and Bolt given the level of concern from local residents regarding the impact on neighbouring properties.

3. The Site:

- 3.1 The site lies within the built confines of Tonbridge, with Cromer Street predominantly consisting of residential dwellings.
- 3.2 Cromer Street is relatively dense in layout. The application property is a detached dwelling, with vehicular access to the side.
- 3.3 The outbuilding, the subject of this application, is constructed up to the common boundary on three sides. Whilst there is no detailed planning history for the outbuilding it is understood that it has been in situ for many years.

4. Planning History (relevant):

TM/79/10389/FUL grant with conditions 30 November 1979

Conversion of single dwelling into two flats.

TM/08/02019/LDP Certifies 13 August 2008

Lawful Development Certificate Proposed: Loft conversion with dormer window

5. Consultees:

5.1 Private Reps: 6/0X/9R/0S. Objections have been raised on the following grounds:

- Should this be a full planning application rather than Householder;
[DPHEH: the correct application has been submitted given the type of development proposed]
- Question need for 2x WCs;
[DPHEH: one of the WCs has now been omitted from the scheme]
- Overlooking caused by windows at first floor;
- Concern that the building will be used for a separate residential or commercial use and why the plans have been amended;
- Potential parking issues if used as a separate unit or business;
- Building works would cause parking issues;
- Loss of amenity space to main dwelling from extension;
- Noise issues likely from the proposed zinc roof;
- No dimensions on plans;
- The depth of the fascia varies on the drawings;
- Sewerage and drainage concerns – including where the pipes will be located as the building is on the boundary.

6. Determining Issues:

Principle of development:

- 6.1 Firstly, it is important to recognise that the internal alterations and the use of the building as additional space in connection with the main dwellinghouse for private purposes (in this case a playroom and workshop and storage) would in and of themselves not require any planning permission. It would be the incidental and ancillary use of an existing building within a residential curtilage and as such would not amount to development requiring any permission.
- 6.2 Similarly, the external alterations to the elevations of the building would be permitted development under Class E, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015. Again, these changes would not require planning permission from the LPA and could be undertaken at any time.
- 6.3 This means that the primary consideration in the determination of this application is the acceptability of the proposed extension to the building and specifically whether it is acceptable in visual terms and given the relationship with neighbours.
- 6.4 I do appreciate the concerns of neighbours relating to the potential future use of the building as a separate unit of accommodation separate from the use of 13 Cromer Street as a single dwellinghouse or for business purposes. However, it should be understood that such a use is not what is being proposed here and it would be controllable through the use of strict planning conditions expressly restricting the use of the building and ensuring the plot could not be subdivided. This is not an occasion, in my view, where the applicant could argue that the use of the building for purposes incidental to the main dwellinghouse could be an incremental step towards it eventually becoming a separate house because the physical distances between the outbuilding and the immediately surrounding houses, including 13 Cromer Street itself, would not allow for an acceptable relationship to ensue. I must stress that this is not a reason to refuse the current application, for the reasons given above, but should give some reassurance as to how any potential submissions for incrementally attempting to separate the building from the main house in use terms would be viewed.
- 6.5 In terms of the principle of extending the existing building, as the application site is located within the built confines of Tonbridge, the broad principle of development is considered to be acceptable.

Character, scale and design:

- 6.6 Policy CP24 of the TMBCS specifically requires good design and quality in new developments, and a respect for the site and its surroundings. 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.

6.7 The proposals upgrade the existing building, and propose to extend it in a relatively contemporary form. The fairly small scale and single storey nature of the extension to the existing building means that it is undisputedly subservient to the main building and would not dominate either the main building or the surrounding dwellings in terms of form or scale.

6.8 Whilst the materials proposed in the construction of the extension are also more contemporary in nature, and this would undoubtedly be different in appearance, it would not in my view cause visual harm particularly given the location of the building to be extended, set back from Cromer Street and thus only partially visible from the street scene.

Residential amenity:

6.9 The extension has been designed with a contemporary style, resulting in the roof height and depth varying and sloping down towards the boundaries at either side. The extension is shown to have a maximum height adjacent to the building of approximately 3.6m.

6.10 The outbuilding to be extended is sited at the rear of the garden serving 13 Cromer Street, some 9m from the rear of the host dwelling. The distances involved and the small scale of the extension (particularly when compared to the scale of the host outbuilding) would ensure that the extension would not have a detrimental impact on the residential amenities of neighbouring properties, in respect of any loss of daylight/sunlight, over and above that which already exists from the existing outbuilding.

6.11 The proposals include replacement glazing within the existing outbuilding, although the existing openings are not shown to increase in size and the applicant has confirmed that this is the case. The proposals include the replacement of the existing wooden large door opening at first floor level with glazing. Due to the size and location of the existing door opening, it is considered to be prudent to attach a condition requiring this window to be obscurely glazed and non-opening. It should be noted that as these openings are part of the original building it would be unreasonable for the LPA to seek their removal. Again, I would reiterate that these alterations alone could be undertaken within the provisions of Class E of the permitted development order.

6.12 The proposals do not include any new windows within the flank elevations facing onto neighbouring properties. Again, this can be controlled by planning condition.

Highway safety and parking provision:

6.13 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 retention of the existing garage within the outbuilding and the extending of it to the front. Whilst the area to the front of the garage is laid to lawn, the existing hard standing driveway is to remain and provides parking for 2 vehicles. As such, it is not considered that there will be a detrimental impact on highway safety. I appreciate that neighbours are concerned that if the building becomes used in an alternative manner to that proposed by this application the situation concerning parking may change. However, the proposal makes clear that it is for the extended building to be used incidental to the main house, and as explained earlier in the report this will be controlled by planning condition.

Conclusion:

6.14 In light of the above considerations, I consider that the proposed development meets the requirements of the NPPF and LDF and as such the following recommendation is put forward:

7. Recommendation:

7.1 Grant planning permission in accordance with the following submitted details: Email dated 15.09.2016, Block Plan PL100 A dated 23.09.2016, Proposed Floor Plans PL102 A dated 23.09.2016, Proposed Elevations PL201 A dated 23.09.2016, Email dated 04.10.2016, Location Plan 013-PL001 dated 28.07.2016, Site Plan 013-PL002 Existing dated 28.07.2016, Existing Floor Plans 013-PL101 And Roof Plan dated 28.07.2016, Existing Elevations 013-PL200 And Section A-A dated 28.07.2016, 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 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.

- 3 The garage shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

- 4 The opening on the south western end of the south east 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: To minimise the effect of overlooking onto adjoining property.

- 5 The use of the extended outbuilding hereby permitted shall be occupied only in conjunction with the original dwellinghouse known as 13 Cromer Street, Tonbridge as a single dwellinghouse and shall not be used, let or sold at any time as a separate unit of living accommodation.

Reason: To safeguard the character and amenities of the locality.

- 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 alterations to the building shall be carried out within Class E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To safeguard the character and amenities of the locality.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modification), no new fences, gates, walls or other means of enclosure shall be erected without the prior written approval of the Local Planning Authority.

Reason: To safeguard against the subdivision of the existing single residential curtilage that would facilitate independent occupation of the approved development as a separate unit of accommodation.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no new hardstanding for vehicles shall be constructed on, nor means of vehicular access to the highway be formed, laid out or constructed within the site without the prior written approval of the Local Planning Authority.

- 9 Reason: To safeguard the character and amenities of the locality.

- 10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

Informatives

- 1 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.
- 2 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
- 3 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. 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 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.

Contact: Vicky Bedford