

Tonbridge
Cage Green

14 July 2017

TM/17/01977/FL

Proposal: Revisions to approved detached house at rear of site (as approved under TM/09/00951/FL) to create a pair of the semi-detached units as approved under TM/17/00137/FL

Location: 335 - 337 Shipbourne Road Tonbridge Kent TN10 3EU

Applicant: Prolem Limited

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1. Description:

- 1.1 Planning permission is sought to construct a pair of semi-detached houses towards the rear of this site in place of the single detached dwelling that was granted planning permission under ref. TM/09/00951/FL. That permission is remains extant.
- 1.2 The proposed pair of dwellings would be located in the same position within the site as the single house the subject of the extant permission. The proposed building measures 14m in length and 11.7m in width and would stand 6.8m high at ridge level. The dwellings have been designed to accommodate much of the first floor accommodation within the roof space. The proposed dwellings would also include two storey front and rear projecting gables.
- 1.3 The dwellings would be formed from facing brickwork at ground level (Red stock brickwork) and white rendered walls at first floor level. Plain tiles coloured dark red would be used to clad the roof of the dwellings. Two parking spaces are to be provided for each dwelling accessed off a central spine access road that would also serve the 4 no. dwellings approved (under ref. TM/17/00137/FL) to be located at the front of the site in place of the two existing bungalows.
- 1.4 The detached garage that forms part of the previously approved (and extant) schemes to develop this site does not form part of the current proposal.
- 1.5 It should also be noted that this planning application does not relate in any way to the redevelopment of the front part of the site which relates to the construction of two pairs of houses replacing the two existing bungalows. That development was granted planning permission earlier this year under TM/17/00137/FL. The current scheme therefore relates only to the substitution of the single dwelling and garage approved under ref. TM/09/00951/FL (as amended by TM/13/00137/FL) with a pair of semi-detached dwellings.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Heslop in light of the extensive planning history of the site.

3. The Site:

- 3.1 The site lies on the eastern side of Shipbourne Road. It currently comprises two detached bungalows and their rear gardens. To the north lie the rear boundaries of the dwellings in White Cottage Road and the private clinic in Shipbourne Road; to the east the rear gardens of the dwellings in Thorpe Avenue; and to the south the long gardens of the dwellings in Shipbourne Road. There are also residential properties to the west on the other side of Shipbourne Road.
- 3.2 This eastern side of Shipbourne Road is characterised by mainly detached bungalows and chalets and those along Shipbourne Road have substantial gardens to the rear.

4. Planning History (relevant):

TM/06/01702/FL	Refuse Appeal dismissed	5 December 2006
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Demolition of two bungalows and erection of 5 detached dwellings

TM/08/00806/FL	Refuse Appeal dismissed	30 July 2008
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Demolition and replacement of 2 no. residential units and provision of 1 no. residential unit to rear

TM/09/00951/FL	Approved	28 July 2009
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Demolition and replacement of 2 no. residential units and provision of 1 no. residential unit to the rear

TM/11/02362/FL	Refuse	25 October 2011
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Demolition of two dwellings and erection of six three bed roomed dwellings

TM/12/00551/FL	Refuse Appeal dismissed	14 May 2012
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Demolition of two existing dwellings and the erection of four semi-detached three bedroom houses and one detached four bedroom house

TM/12/01089/FLX	Refuse	9 July 2012
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Extension of time to implement planning permission TM/09/00951/FL (Demolition and replacement of 2 no. residential units and provision of 1 no. residential unit to the rear)

TM/12/01747/RD	Approved	9 July 2012
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Details of external materials, acoustic protection, hard and soft landscaping and sustainability measures submitted pursuant to conditions 2, 3, 12 and 15 of planning permission TM/09/00951/FL (Demolition and replacement of two residential units and provision of one residential unit to the rear)

TM/13/02172/FL Approved 28 October 2013

Construction of two replacement dwellings on frontage and detached garage to rear (to serve detached dwelling approved under planning ref TM/09/00951/FL)

TM/17/00137/FL Approved 20 March 2017

Construction of 4 semi-detached dwellings on frontage and detached garage to rear to serve detached dwelling approved under planning permission TM/09/00951/FL

5. Consultees:

5.1 KCC (Highways): Over successive applications, proposals for this site have extended from

- Replacement 2 bungalows to 2 dwellings with 1 additional to the rear
- Replacement of 2 frontage dwellings to 4 with 1 additional to rear
- And now replacement of frontage dwellings to 4 with 2 additional to rear

5.1.2 The proximity of the access to the formal pedestrian crossing on the A227 remains a concern to me although I note the existing arrangement with an adjacent access (to 1 property) has been in existence for at least 14 years. Crashmap.co.uk indicates that there have been no injury crashes on the road link between Trench Road and White Cottage Road (which includes the crossing) for at least the last 18 years. I also note a planning Inspector's appeal comment that 'In the current absence of substantive evidence to the contrary, it is not clear that highway safety interests would be materially harmed'. Also helpfully, arrangements for parking at the frontage properties have improved over the various applications.

5.1.3 On behalf of the highway authority I have no objection to this application.

5.2 Southern Water: A connection to the public sewer will be required

5.3 Private reps: (10/0X/0S/9R): The nine responses raise the following objections to this development:

- The footprint of the house and parking/turning area is substantially larger than in the approved application. It will be overbearing
- Overdevelopment of the site

- An earlier scheme was refused in 2008 because the footprint was too big. Now we are almost back to the footprint of the 2008 scheme
- The semi-detached houses would be harmful to the character and environmental quality of the local area as would the creation of the extensive parking court
- The parking court will be harmful to the amenity of the neighbouring properties by reason of noise and disturbance
- Replacing one 4 bedroom house with two no 3-bedroom houses will only increase traffic movements at this location
- There is no provision for a boundary fence between the site and the neighbouring properties at 331 and 333 Shipbourne Road
- There is insufficient parking for each dwelling
- This will cause a danger to pedestrians, including school children
- Loss of green space, a haven for wildlife
- The access road to the rear makes existing properties less secure
- Lights will shine from vehicles into neighbouring properties and noise disturbance will increase from additional vehicles turning
- The open space left within the site is not protected. If permission is granted safeguards should be put in place against further developments within the site including extensions and outbuildings.

6. Determining Issues:

Principle of development:

- 6.1 It has now been established that TMBC can no longer demonstrate a five year supply of housing. Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term. In this respect, paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 6.2 Paragraph 14 of the NPPF sets out the presumption as follows:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
- or specific policies in this Framework indicate development should be restricted.”*

6.3 In this respect, policy CP11 of the TMBCS seeks to locate development within the Tonbridge (and other) urban areas. Therefore, the development of this site for housing purposes broadly accords with the development plan in terms of principle and regard must be had to paragraph 14 which states that such proposals should be granted without delay.

6.4 In more general terms, the core principles of the NPPF seek to support sustainable economic development, to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings, and to encourage the effective use of land by reusing land that has been previously developed. In light of the site’s urban location and the existence of the extant planning permission to build one house and detached double garage on the same site, the principle of the development sits comfortably with the wider aims of the NPPF as well.

6.5 The main issues to consider with this proposal are what additional impacts would the development have over and above those associated with the extant permission to build one house on the same part of this site. These will primarily be the impact upon the character of the site and wider locality, and impacts upon residential amenity and highway safety.

Built form and visual amenity:

6.6 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance. It further states that development that would, by virtue of design,

be detrimental to the built environment, amenity or functioning and character of a settlement will not be permitted.

- 6.7 The proposed dwelling would have a larger footprint than that the subject of the extant planning permission. However, the scheme would not now include the garage that formed part of the scheme the subject of the extant permission (or the garage that formed part of the scheme granted planning permission granted earlier this year). Therefore, the current proposal would result in a similar amount of built form within the site to that already considered acceptable. The proposed development would also be of a more consolidated form, given the omission of a detached garage. In light of this and given the plot size for both dwellings, the proposal would not result in an unacceptable over development of the site.
- 6.8 The proposed pair of houses has the same width of frontage (11.7m) as the approved single dwelling and would be located in the same position within the site. The proposed dwellings would have similar design characteristics to the approved dwelling in terms of the chalet style form and inclusion of two storey front and rear projecting gables. The overall height of the proposed dwellings as shown on the submitted drawings is 100mm taller than the height of the approved dwelling. Due to these design similarities and the distance the dwellings would be set back from the highway, there would be no harm arising to the character of the street scene. Furthermore the dwellings would be of the same size, form and design as the two pairs of dwellings approved earlier this year under TM/17/00137/FL that will replace the existing bungalows on the site frontage. The proposal would, therefore, be in keeping with the character of the site and wider locality.
- 6.9 The details show the retention of the protected Oak located along the southern boundary of the site and this tree will not be adversely affected by the proposed development. A group of trees located within the north east corner of the site is also shown to be retained under this proposal, as will existing boundary hedges and shrubs. The retention of these trees/shrubs is welcomed and will maintain a degree of mature landscaping within the site. These matters can be secured by planning condition.
- 6.10 In light of the above, in terms of local character and visual impact, I consider that the development complies with the requirements of policy CP24 of the TMBCS.

Residential amenity:

- 6.11 Policy CP1 of the TMBCS states that when considering applications, residential amenity will be preserved or, wherever possible, enhanced. The dwellings would be located over 9m away from the northern boundary of the site and between 7m and 8m away from the southern boundary of the site. The dwellings would stand approximately 11m away from the east (rear) boundary of the site. This level of separation is considered to be sufficient to avoid causing the neighbouring residential properties unacceptable overshadowing to either the dwellings themselves or their private garden areas. Furthermore, this degree of separation is

also considered sufficient to avoid appearing overbearing from the neighbouring properties as well.

- 6.12 The only flank windows to be located within the dwellings above ground level would serve bathrooms. Due to this and the location of the dwellings within the site, these windows would not cause unacceptable overlooking to the neighbouring residential properties. The windows located within the rear elevation of the dwellings would not look directly towards the private garden area or habitable room windows of the dwelling at 2 White Cottage Road. The particular siting and design of the proposed dwellings are such that they would not cause a greater impact upon the amenity of this neighbouring property than the approved scheme for one dwelling.
- 6.13 The proposed development would create a larger extent of hardstanding within the site than as shown in the approved scheme for one dwelling (for car parking) and would result in additional activity associated with the one additional dwelling. However the additional amount of movements to and from the site and general activity within it are considered to be very minor compared to that associated with the approved scheme for this site. Furthermore, the site is of a size that includes appropriate provision for parking and turning arrangements within it. This would ensure that vehicles would not have to undertake numerous manoeuvres to enter or leave the site in a forward direction. Furthermore the parking areas have not been positioned immediately adjacent to the boundaries of the existing, neighbouring residential properties; areas of soft landscaping would be located in between and would act as a buffer.
- 6.14 Taking all of these factors into account, the proposed development would not cause unacceptable noise disturbance to either the existing or the approved neighbouring residential properties.

Highway safety and parking provision:

- 6.15 The additional movements associated with this development have been considered by the local highway authority which has not objected to this application. Paragraph 32 of the NPPF clearly states that developments should only be refused on transport related grounds if the impacts would be severe. In light of the minor increase in traffic associated with this development, the provision of appropriate turning facilities and the response from the highway authority, the proposed development would not result in a severe impact upon highway safety.
- 6.16 Each of the dwellings would be served by two parking spaces which accords with the standard set out in KHS IGN 3: Residential Parking.

Conclusions:

- 6.17 In light of the above, whilst the scheme would in essence increase the number of units provided on this site by one, the site is located within the urban confines of

the town and the built form required to accommodate the additional unit would not overtly increase beyond that previously approved. The creation of an additional unit beyond that already approved would not, for the reasons set out above, result in any harm to residential amenity, highway safety or the character of the locality that would warrant a recommendation to refuse permission. I therefore recommend that, subject to the imposition of appropriate conditions controlling the manner in which the development takes place and the site is subsequently used, planning permission be granted.

6.18 I would also remind Members of the requirement, in the absence of a five year housing supply, to apply the presumption in favour of sustainable development (paragraphs 49 and 14 of the NPPF respectively), which for the purposes of determining this planning application, given that it accords with the development plan in all respects, means that planning permission should be granted without delay.

6.19 The following recommendation is therefore put forward:

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Location Plan dated 15.09.2017, Arboricultural Survey dated 13.07.2017, Drawing bin store dated 13.07.2017, Landscape Layout sr.p14 landscaping layout dated 13.07.2017, Design and Access Statement dated 13.07.2017, Block Plan sr.p13 dated 13.07.2017, Proposed Elevations sr.p11 dated 13.07.2017, Proposed Floor Plans sr.p10 dated 13.07.2017, Site Plan sr.p09 dated 13.07.2017, Proposed Elevations sr.p12 dated 13.07.2017, Site Survey p148-125 dated 13.07.2017, 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 above ground level shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. This permission shall be an alternative to planning permission TM/09/00951/FL (dated 29 July 2009) and planning permission TM/17/00137/FL (dated 20 March 2007) (in so far as planning permission TM/17/00137/FL relates to the detached garage identified on plan number SR.P01) and shall not be exercised in addition thereto, or in combination therewith those permissions.

Reason: The exercise of more than one permission would result in an overintensive use of the land.

4. The development shall be built in accordance with the levels shown on plan no. SR.P14 entitled "Proposed Landscaping Layout".

Reason: In the interests of residential and visual amenity.

5. If, during the implementation of this permission, contamination not previously identified, is found to be present at the site then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until details of how that contamination shall be dealt with have been submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

6. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

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

7. The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

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

8. Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

9. The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of

the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

10. The dwellings shall not be occupied until the area shown on 'Proposed Landscaping Layout' (Drawing No. SR.P14) as vehicle parking and turning 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 to preclude vehicular access to this reserved parking and turning space.

Reason: Development without the provision of adequate accommodation for the parking and turning of vehicles is likely to lead to hazardous on-street parking.

11. The scheme of landscaping and boundary treatment shown on 'Proposed Landscaping Layout' (Drawing No. SR.P14) shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. 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 Local Planning Authority gives written consent to any variation.

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 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

- 13 The windows located at first floor level on the north and south (flank) 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.

- 14 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 above ground level in the north or south (flank) elevations 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.

- 15 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 Classes 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: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of residential and visual amenity

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.

Contact: Matthew Broome