

West Malling
West Malling And
Leybourne

24 July 2018

TM/18/01755/FL

Proposal: Erection of a detached 2 storey dwelling to the rear of 61
Offham Road
Location: 61 Offham Road West Malling Kent ME19 6RB
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1. Description:

- 1.1 The application was deferred from APC2 on 07 November 2018 in order for Members to undertake a site inspection to assess the specific and particular characteristics of the site with particular reference to the relationship with surrounding neighbouring properties. The Members' Site Inspection took place on 26 November 2018.
- 1.2 A copy of my November report (main and supplementary) is annexed for ease of information.

2. Consultees (since 07 November):

- 2.1 No further representations received.

3. Determining Issues:

- 3.1 The Members site inspection enabled those in attendance to view the site, the footprint of the proposed building (which would be 70 sq.m) within its plot and the surrounding context. Members were also able to view the application site from the nearest neighbouring property, 63 Offham Road.
- 3.2 One aspect of the scheme that Members considered in some detail was the relationship of the proposed dwelling with 63 Offham Road to the east and 57 and 59 Offham Road to the north. It is important to recognise that there is not a prescribed distance to ensure privacy between the front of a dwelling (63 Offham Road in this case) and the side of another (the proposed house), albeit that a distance of approximately 13m would prevail in this instance. The only first floor window facing towards No. 63 would serve an en-suite bathroom and thus would be obscure glazed and not cause overlooking as a result.
- 3.3 Nos. 57 and 59 Offham Road are separated by more distance and there is no direct relationship with the proposed house by virtue of its specific layout and siting. As such, whilst the proposed house might be seen from these neighbouring properties, this would not give rise to any harmful impacts to their amenities as a result.

- 3.4 Members were also able to walk along the existing access road which would serve the proposed house in addition to Nos. 61 and 63. It was explained that a single storey lean-to element to No.61 would be removed along with an existing boundary fence and hedge denoting the rear garden of No.61 presently. These features are to be removed to allow the access road to be widened to meet KFRS standards. New boundary treatments would be required for submission and approval as a condition, should Members be minded to grant planning permission.
- 3.5 For completeness, it should be noted that a sectional plan has been submitted showing the proposed dwelling in relation to the existing dwellings to the east and west. This was made available to view at the Members site inspection and is publically available on the Council's website. This does not seek to amend the scheme in any way but rather was provided as further information to demonstrate these relationships.
- 3.6 The recommendation remains as set out in the 07 November report and is reproduced below.

4. Recommendation:

- 4.1 **Grant planning permission** in accordance with the following submitted details: Design and Access Statement dated 24.07.2018, Location Plan dated 24.07.2018, Site Plan P010 C dated 24.07.2018, Proposed Floor Plans P020 C dated 24.07.2018, Proposed Elevations P030 C dated 24.07.2018, Site Section P050 A dated 26.11.18 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 the character and appearance of the existing building or visual amenity of the locality.
3. No above ground development shall take place until details of slab levels have been submitted to and agreed in writing by the Local Planning Authority. The details to include a scaled drawing showing the proposed dwelling in relation to the existing dwellings to the east and west. The works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

4. No above ground development shall commence until full siting and elevational details of the bin store have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

5. Prior to the first occupation of the dwelling hereby permitted a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. The scheme shall include the retention of the trees as shown on the plan referenced HH.KENNY.01PP received 8 October 2018. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

6. The dwellinghouse hereby permitted shall not be occupied until the area shown on the submitted plan referenced HH.KENNY.01PP received 8 October 2018 as vehicle parking and turning areas to serve both the existing and proposed dwellings has been provided, surfaced and drained. The areas shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site. Thereafter the areas 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 1995 (or any order amending, revoking and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

7.
 - a) If during development work, significant deposits or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed in writing with the Local Planning Authority and it shall thereafter be implemented by the Developer.
 - b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any

soil brought on site should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

c) A closure report shall be submitted by the Developer relating to a) and b) above and any other relevant issues and responses such as any pollution incident during the development.

Reason: To prevent unacceptable risks from pollution.

8. If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

9. The window on the first floor of the east elevation serving a bathroom shall be fitted with obscure glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: In the interests of the residential amenity and privacy of adjoining property.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed at the first floor level of the building other than as hereby approved.

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. 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. In the interests of good neighbourliness all vehicles and machinery associated with construction must be parked within the site and not on the public highway in such a manner as to create an obstruction.

3. The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
4. In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.
5. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

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