

Tonbridge
Judd

13 November 2018

TM/18/02683/FL

Proposal: Demolition of detached bungalow and erection of 2x 3 bedroom semi-detached dwellings
Location: 11A Douglas Road Tonbridge Kent TN9 2TA
Go to: [Recommendation](#)

1. Description:

- 1.1 This application seeks planning permission for the demolition of the existing bungalow and erection of 2no 3-bed semi-detached dwellings.
- 1.2 The dwellings are to be two storey in form with third floor accommodation within the roof slope. They are to be located towards the north-west boundary of the site in line with the existing north and west building lines of the bungalow. The two dwellings combined are to measure 13.1m wide by 11m deep. It is to propose a dual pitch roof with quarter hips measuring 5.6m to the eaves and 9.7m in total height. The dwellings are to be constructed of red brick with hanging tiles on the top floor bays. The roof is to be finished in concrete interlocking tiles.
- 1.3 The proposal includes the provision of 1no off-street parking spaces per unit.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Cure in order to consider matters of character impact and local concern.

3. The Site:

- 3.1 The application site consists of a triangular plot of land located to the south of Douglas Road. The site lies within the urban confines of Tonbridge.
- 3.2 Douglas Road consists of mixed character street scene with predominately residential dwellings. The street scene contains a variety of forms of single, two and three storey buildings, predominately built of red brick or render cladding. A noticeable landscape feature within the street scene is the line of trees on either side of the highway.
- 3.3 Residential properties border the site to the west, south and east with Douglas Road to the north.

4. Planning History (relevant):

- 4.1 None

5. Consultees:

5.1 KCC (H + T):

Original consultation (14.12.18): I note that it is proposed to access the development via the existing, all be it widened access onto Douglas Road. It should be noted that Douglas Road is an unclassified road. Having checked the personal injury collision record at the access for the last 5 year period via crashmap, www.crashmap.co.uk, I can confirm that no collisions have been recorded. The access therefore has a good personal injury collision record.

The applicant has proposed to provide 2 car parking spaces. Kent Design Guide Review: Interim Guidance Note 3 advises that 3-bedroom houses in a city/town centre location should be provided with a maximum of 1 space per unit, with visitor parking provided via public car parks. Therefore, a provision of 2 spaces is in accordance with the guidance in IGN3.

It is acknowledged that the widening of the existing access will involve the loss of some existing on street car parking provision and the removal of a tree in the footway. Having reviewed the applicant's site plan (*drawing number: 6661-PD-03*) I note that it is proposed to relocate the parking bays that will be lost further east and west respectively. Kent County Highways, Transportation and Waste have some concerns over this approach as by relocating the bays in the manner proposed, they will be adjacent to the widened access therefore inhibiting visibility for vehicles exiting the site from the access. As a result, the extended bays should be removed from the proposals.

Although it is recognised that the loss of the existing parking bays in order to enable the widening of the access will further increase parking demand in the local area, I note that there are a range of parking restrictions, including double yellow lines, in the immediate proximity of the proposals. The on-street parking controls already in place enable me to conclude that the loss of the existing on street spaces as a result proposed development will not result in on-street parking behaviour that could cause hazards to other road users.

Whilst I can confirm that I have no objection in principle to the proposals, I would be grateful if further consideration could be given to the consequence of relocating the existing park bays as currently proposed. Should the proposals be granted permission then the applicant will naturally be required to obtain an agreement with this authority for any works required in the public highway, including the removal of the tree that it is proposed to relocate.

Re-consultation; following amended plans altering proposed access arrangements and retain tree (04.01.19): Having reviewed the amended site plan (*drawing number: 6661-PD-03 Rev A*) I note that the applicant has amended the proposals to ensure that the existing highway tree will be retained. However, it appears from the revised site plan that the applicant still proposes to extend the western parking

bays and relocate the parking bay that will require removing to achieve the access arrangements put forward. As stated in my initial response of 14th December 2018 it is considered that these proposals will inhibit visibility for vehicles exiting the access and therefore be of detriment to highway safety. I would therefore be grateful if the applicant could give further consideration to the merits of relocating/extending the parking bays in the manner that is currently proposed.

Re-consultation; following amended plans omitting relocated on-street parking bays (10.01.19): Having reviewed the revised site plan I note that the applicant has now omitted the relocated parking bays and simply proposes to remove the existing bays, without any re-location. I can confirm that this is acceptable to this authority and that I therefore have no objection to the proposals.

In response to soft landscaping proposals

Further to the above application and proposed removal of the highway tree from outside number 11a Douglas Road Tonbridge, I wish to confirm that Kent County Council (KCC) Highways objects to the proposed removal of the tree on the grounds that it is in good condition with no signs of ill health or major defect. Additionally, this tree along with other trees within this road are being successfully managed on a cyclical basis by KCC Highways and this re-pollarding maintenance will continue for the remaining lifecycle of the tree. Historically, the loss of trees from Douglas Road and surrounding streets has left open spaces between trees on previous tree lines roads. These avenues of trees have provided a variety of ecological benefits in addition to visual amenity. Finally, KCC understands that there is a proposal to replant new trees within the vicinity, but this proposal will not achieve the same impact or have the same benefits as this mature highway tree.

5.2 Private Reps: 11 + site notice/0X/11R/0S Objections are made on the grounds of:

- Parking/Highway - lack of capacity for additional properties, heavy traffic
- Overdevelopment of plot
- Out of character with street scene
- Loss of Light- To rear properties. Also Kitchen, patio doors and garden of adjacent property
- Loss of privacy adjacent and rear
- Light pollution
- Overbearing
- Additional noise (occupation)
- Construction noise

- Asbestos in bungalow tiles
- Loss of established tree
- Loss of a bungalow- short supply in area

6. Determining Issues:

Principle of Development:

- 6.1 Policy CP11 of the TMBCS states that development will be concentrated within the confines of urban areas including Tonbridge. As the proposed development is within the urban confines it would be acceptable in principle and accords with Policy CP11. This policy broadly accords with the requirements of the NPPF which seeks to make the most efficient use of land within urban areas such as this.
- 6.2 In the absence of a demonstrable five year supply of housing, the presumption in favour of sustainable development, which is set out in paragraph 11 of the NPPF applies in this case. Paragraph 11 (d) states that planning permission should be granted unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- (ii) 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.
- 6.3 The restrictive policies to which this applies are set out in footnote 6. The site does not lie within any of the areas specifically referred to in footnote 6 of the NPPF and as such, the presumption in favour of sustainable development falls to be applied and thus permission granted without delay unless any adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF. In this context, it is of course necessary to properly consider local context and the quality of the resultant development in terms of the requirements of CP24 of the TMBCS and the policies contained within the Framework concerning the need to achieve high quality design. These matters are addressed in more detail in the assessment that follows.
- 6.4 Members will be aware that the Council has now submitted its Local Plan for examination by the Secretary of State. The policies contained within the plan at this time (pending examination) carry only limited weight. In any event, there are no policies contained within the Plan that seek to resist development of this nature in locations such as this.

Visual amenities and street scene:

- 6.5 Policy CP24 of the TMBCS 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 tranquility; and the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.6 Paragraph 130 of the NPPF also relevant to design and set out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 6.7 The street scene of Douglas Road has a linear pattern with the majority of properties fronting the highway. There is a mix of building styles and types with single, two and three storey buildings within the immediate locality of the application site. This application proposes a pair of semi-detached dwellings that are two storey in their form with a third floor set within the roof space. They are to be constructed of red brick with tile hung bay window projections. The third floor accommodation is to be located within the roof space allowing for a reduced eaves height.
- 6.8 The applicant has provided an indicative street scene drawing showing the proposed dwellings in relation to the adjacent property in Douglas Road and those on Meadow Road. It is acknowledged that the proposed dwelling would not match two storey shallow pitch roof form of the dwelling to the west and those immediately opposite however Douglas Road has a mix of styles and forms of buildings. There is therefore no particular style or form which would be typical for this street scene and with the mix of styles of buildings adjacent to each other would contribute to the prevailing character and distinctness of Douglas Road. The dwellings are proposed at a height which would create a natural step up between the adjacent neighbour and those taller dwellings within Meadow Road. It also proposes materials that are commonly used on the buildings within the wider area. For those reasons the proposal is considered to be appropriate to the character and appearance of the street scene and wider area and would accord with Policy CP24 and Paragraph 130 of the NPPF.
- 6.9 In terms of landscaping modest front gardens are proposed in front of the dwellings with 1m high boundary walls, matching what is currently in place. A parking area is to be formed to the north-east corner of the plot, east of the

existing driveway. The land to the rear of the dwelling is to be split to form rear gardens for each of the two properties. Each is to have a lower blocked paved terrace with a lawn beyond with 4 steps up to the lawn reflecting the slight contours of the site.

- 6.10 The proposal is therefore in accordance with Policy CP24 and Paragraphs 124 – 132 of the NPPF.

Impact on residential amenity:

- 6.11 The replacement dwellings are to be located to the north of the plot and to sit 1m from the boundary with the neighbour to the west and 0.4m from the closest neighbouring boundary in Meadow Road.
- 6.12 To support their proposal the applicant has provided a daylight survey. This is formed of a series of indicative drawings showing the suggested shadowing from the proposed dwellings on the adjacent neighbour at various times during the day. No analysis has been provided to a BRE or other standard to quantify the loss of light and therefore this survey will be taken as an indication only. The drawings indicate that based on the sun's position there will be minimal overshadowing first thing in the morning (9am) for the neighbour to the west however will not result in a loss of light for the remainder of the day.
- 6.13 In first considering loss of daylight and sunlight the proposed dwellings would lie to the north/west of the properties in Meadow View. Given the orientation and separation distances the proposal would not result in a loss of either daylight or sunlight to these properties to harm their residential amenity.
- 6.14 Concern has been raised by the adjacent neighbour to the west that the proposal would result in a loss of sunlight to their kitchen window and patio doors which will also be considered.
- 6.15 Based on the orientation of the proposed dwellings they are likely to result in some loss of direct sunlight to the immediate neighbour but this would be limited to first thing in the morning with no loss of sunlight from the application site for the remainder of the day. Given the separation between the two storey element of the proposed dwellings and the orientation to the neighbours' window it is considered to not have a direct loss of daylight to the neighbour to the west. Given the very limited time that the loss of direct sunlight would occur and that the proposal would not directly impact on daylight, it is not considered that the impact would be significant to a degree to harm the neighbours' residential amenity to justify refusal on such grounds.
- 6.16 In terms of more general overbearing impact, the west flank wall of the proposed dwellings is to sit 1m from the western boundary with the adjacent neighbour in Douglas Road. The adjacent neighbour has a number of flank wall windows on their two storey rear outcrop serving a bathroom/toilet at first floor level and

kitchen and dining/living room at ground floor. There is also a south facing window serving a bedroom. The proposed dwellings do not project as far south as the existing bungalow with the two storey element ending marginally past the main dwelling of the adjacent neighbour. Due to the proximity of the replacement building it would be visible from the habitable room windows of the neighbour, however based on the position of the two storey element of the proposed dwellings in relation to the neighbour's windows and the setback from those windows, it is not considered to be unduly overbearing to harm their residential amenity. The proposed dwellings would also be visible from the dwellings within Meadow Road, however due to the separation distance it is also not considered to have an overbearing impact to harm residential amenity.

6.17 With regards to privacy the application proposes windows to each elevation of the dwellings. The east and west facing windows do not serve any habitable rooms and therefore do not give rise to a loss of privacy. The north windows and roof light overlook the highway. In considering a view from the south windows, due to the position they will offer an oblique view of the rear of the adjacent neighbour's garden and would not provide any direct view into the habitable room windows. I do not consider this will result in a loss of privacy to harm the residential amenity of the adjacent neighbour. Whilst offering a more direct view towards the properties in Meadow Road this would be at a distance of over 20m. Due to this separation it is also not considered the proposal would result in an adverse impact on privacy of these neighbours.

Highway safety and parking provision:

6.18 The proposed development seeks to alter the vehicular access arrangements to the property providing a new vehicular access and 2 off street parking spaces further east within the application site. Members will note that the application no longer proposes to remove the mature tree within the highway verge. The objections from KCC Soft Landscaping are therefore no longer relevant to the determination of this application. It also no longer proposes to relocate the on-street parking bays which will be removed, subject to KCC approval.

6.19 The scheme as it now stands proposes 2no off-street parking spaces within the frontage of the property. These are angled at 45° to the highway. In terms of off-street parking standards, IGN3 sets out that a three bed property within a location such as this would be required to provide a minimum of 1 space per unit. The proposal seeks to provide 2 off-street parking spaces (one per unit) which would therefore accord with the minimum parking standards set out within IGN3. Whilst I accept this to be a minimum standard and acknowledge the loss of on street parking, given the acceptability within the adopted standard and the no objection now being raised by the highway authority this would not be a justifiable reason to refuse planning permission.

Conclusions:

6.20 In light of the above the proposal accords with Policy CP11 and the relevant provision within the Framework. A presumption in favour would therefore apply and the NPPF outlines that planning permission should be granted without delay. The proposal accords with the relevant design and character policies and would not result in an adverse impact on residential amenity. The application is therefore recommended for approval, subject to the following conditions.

7. Recommendation:

7.1 **Grant Planning Permission** as detailed in ;Letter dated 13.11.2018, Design and Access Statement dated 13.11.2018, Topographical Survey J18321-01 dated 13.11.2018, Location Plan 661-PD-01 dated 13.11.2018, Existing Plans and Elevations 661-PD-02 dated 13.11.2018, Proposed Plans and Elevations 661-PD-04 dated 13.11.2018, Site Plan 6661-PD-03 B dated 04.01.2019, Other Daylight study view 01 June dated 11.12.2018, Other Daylight Study view 03 June dated 11.12.2018, Other Daylight study view 02 June dated 11.12.2018, Other Daylight Study view 01 Dec dated 11.12.2018, Other Daylight Study view 02 Dec dated 11.12.2018, Other Daylight Study view 03 Dec dated 11.12.2018, 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

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 dwellings hereby approved shall not be occupied until the relevant parking space for the particular unit shown on drawing no 6661-PD-03 have 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 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 parking space.

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

4. The development hereby approved, other than demolition of the existing bungalow shall not take place until details of the finished floor level of the houses in relation to the existing ground levels 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 visual amenity of the locality.

5. 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.

Contact: Paul Batchelor