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<b>Tonbridge Higham</b>	<b>560830 148602</b>	<b>16 April 2014</b>	<b>TM/14/01419/FL</b>
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Proposal:	Retrospective application for detached garage with playroom over (resubmission of TM/13/03868/FL)
Location:	1 Barchester Way Tonbridge Kent TN10 4HP
Applicant:	Mr T King

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## 1. Description:

- 1.1 The garage is located within the rear garden, around 0.4m from the western boundary and 0.9m from the northern boundary of the application site. The garage has an irregular footprint and its rear and side walls follow the alignment that the boundary takes at this point. The front wall of the garage is between 3.5m and 4m behind the rear wall of the house. The garage has a maximum width of 9.7m at the rear reducing to 7.46m at the front. It is 6.25m in length. It is proposed to have gable ends and a pitched roof with an overall height of 5.6m.
- 1.2 Permission was refused at the 27 February 2014 Area 1 Planning Committee meeting for a garage of a different design under application reference TM/13/03868/FL. The report and supplementary report are annexed to this report. The application was refused on the following ground:-
- The proposed development, by virtue of its overall height, the design of the roof and specific siting, would appear as an incongruous feature and would be harmful to the visual amenity and appearance and character of the area. The proposal is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and paragraphs 17, 56, 57, 60 and 64 of the National Planning Policy Framework (2012).*
- 1.3 The applicant has commented that the application has been amended so that the roof of the garage now pitches front to rear in order to reduce the profile of the building when viewed from the properties in Higham Lane. The applicant has also submitted photographs of the site in order to show the relationship of the garage with the nearby dwellings.
- 1.4 Within the garage itself the ground floor is to be used for garaging and the upper floor as a play room. Velux roof windows are proposed in the rear elevation of the garage.





- 6.3 The detached garage is set well back within the site meaning that, whilst it will be visible from certain vantage points, including the rear windows and gardens of neighbouring properties, it will not have a detrimental visual impact on the street scene. However, although the garage/playroom will be visible from the rear of the houses to the west of the application site fronting Higham Lane and it will affect their view across the fields beyond, Members will be aware that there is no right to a view that can be protected under planning law.
- 6.4 The neighbouring dwellings with the most potential to have their amenities affected by the proposal are again those fronting Higham Lane. The proposal would clearly increase the amount of built form towards the boundary shared with these neighbours, particularly by virtue of the positioning and height of the detached garage/playroom. However, the area that the garage/playroom would most directly affect is the very rear ends of the gardens serving the neighbours in Higham Lane, which are around 20m in length. Thus I do not consider that the building has a detrimental impact on their visual amenities such as would warrant a refusal of planning permission, due to the distance involved. There are no flank windows proposed facing the rear gardens on Higham Lane, nor windows to the front.
- 6.5 With regard to the previous ground of refusal which related to the garage being an incongruous feature harmful to visual amenity, I consider that the proposed design of the roof has improved in terms of visual appearance changing from the combination of a partly pitched and partly flat roof to the more acceptable gable ended with pitched roof. Moreover, the height of the garage has reduced from 6m to 5.6m. The pitch of the roof has been reduced and it now has a more conventional appearance. Additionally, it should be noted that permitted development rights allow for the erection of outbuildings in a similar location, subject to limitations on size and height.
- 6.6 I note the nearby residents' concerns about the potential use of the garage and I do not consider that the erection of a building for business use would be appropriate in this residential area. I am therefore recommending a condition that limits the use of the garage to that incidental to the main use of the dwelling house.
- 6.7 The judgement as to whether this proposal successfully overcomes the reasons for refusal on the previous scheme is clearly a subjective case. However, on the basis of the above assessment, I believe that to be the case. As such the following recommendation is put forward:

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Photographs dated 16.04.2014, Letter dated 16.04.2014, Schedule photographs dated 16.04.2014, Photographs 1 to 7 dated 16.04.2014, Location Plan dated 16.04.2014, Drawing dated 16.04.2014, subject to:

**Conditions / Reasons**

1. The garage/playroom hereby approved shall only be used for parking or garaging of vehicles or for purposes incidental to the enjoyment of the adjoining dwelling house.

Reason: To ensure that the development is not used as a separate business use which may be considered inappropriate in a residential area.

Contact: Rebecca Jarman