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- The western wall of the garage will hinder maintenance of the boundary fence in the future, because of its proximity;
 - A large oak tree in the garden of 146 Higham Lane is not shown on the plans;
 - The garage should be limited to the parking of private cars only – the applicant runs a taxi business with cars and people carriers often parked on driveway or on road causing a hazard. Concern that the proposed building will be used as a taxi office;
 - Trees along the western boundary have now been removed thus making the visual impact greater;
 - If the garage is built it will remove the red lorry that has been parked on the site for the last 3 years;
 - If the application is allowed, other similar buildings will then be built in the area;
 - The size of the garage seems excessive;
 - Concern about proposed use of the first floor accommodation – must be strictly for private not commercial use.

6. Determining Issues:

- 6.1 The application site comprises an established residential curtilage within the urban area. The principle of a detached building to serve the existing residential use is therefore acceptable in broad policy terms. The main issues to be considered are the design and visual impact of the garage and its impact upon the character of the area and the residential amenities of other nearby properties.
- 6.2 Policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. 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.
- 6.3 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. I thus 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. Moreover, the garage has been designed with a flat roof element on the side closest to these rear boundaries in order to reduce its impact. There are no flank windows proposed facing the rear gardens on Higham Lane, nor windows to the front.
- 6.5 Whilst the shape of the proposed garage, and the combination of a partly pitched and partly flat roof, are unusual, I do not consider that this in itself causes harm that would warrant a refusal of permission. Similarly, although I note the neighbours' concerns about the location of the garage away from the main house and at the end of the garden, it should be noted that permitted development rights would 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 dwellinghouse.
- 6.7 In light of the above assessment, I consider that the proposal meets the requirements of the policies within the TMBCS and MDE DPD and as such the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:

Letter dated 23.12.2013, Location Plan dated 31.12.2013, Floor Plan TK/2013/1 ground dated 23.12.2013, Floor Plan TK/2013/2 first dated 11.02.2014, Elevations TK/2013/3 dated 23.12.2013, Roof Plan TK/2013/5 dated 11.02.2014, Section TK/2013/4 dated 11.02.2014, subject to:

Conditions

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

SUPPLEMENTARY REPORTS**AREA 1 PLANNING COMMITTEE****DATED 27 February 2014**

**Tonbridge
Higham****TM/13/03868/FL****Retrospective application for a garage and playroom at 1 Barchester Way
Tonbridge Kent TN10 4HP for Mr T King**

Additional Information: Letter and photograph received from applicant in support of the application explaining that roofspace of the garage would only be used as a playroom. The applicant goes on to explain that he already has a registered taxi office in Tonbridge which suits his needs and there is no intention of using the building for business.

The applicant also states that the lorry situated within the rear garden currently is used for temporary storage and once the garage is completed, the lorry would be removed.

The letter is accompanied by a photograph showing the garage as partially constructed, and the relationship with the properties in Higham Lane.

DPHEH: It is appreciated that there is some local concern about the siting of the lorry within the curtilage of 1 Barchester Way presently. This is being used for the storage of items owned by the householder and could therefore reasonably be said to be a temporary storage solution for purposes ancillary to the related dwellinghouse. Although the applicant is stating that his intention is to remove the lorry shortly, it would not be legitimate to require its removal through the terms of the planning permission (by way of a condition for example). Should the lorry be moved from the site onto the public highway, separate licenses may be required but this would be subject to the weight of the vehicle (and the vehicle would need to be correctly taxed, insured and have a valid MOT).

MY RECOMMENDATION REMAINS UNCHANGED