Report of 27 February 2014

Tonbridge 560830 148602 31 December 2013 TM/13/03868/FL

Higham

Proposal: Retrospective application for a garage and playroom

Location: 1 Barchester Way Tonbridge Kent TN10 4HP

Applicant: Mr T King

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 9m at the rear reducing to 6.5m at the front. It is 6.3m in length. It is proposed to have a part pitched roof with an overall height of 6m and a part flat roof (height 2.9m) on that part of the garage that adjoins the ends of the rear gardens of properties in Higham Lane.

- 1.2 Within the garage itself the ground floor is to be used for garaging and the upper floor as a play room. The original plans were unclear with regard to the position of the first floor window and the extent of the first floor accommodation. Amended plans have been submitted that clarify the proposal they show a window in the gable end at first floor on the rear elevation and clarification of the size of the first floor accommodation to reflect the extent of the proposed pitched roof.
- 1.3 Construction of the garage has been started and is currently up to eaves height. Works have stopped whilst the planning position is being resolved.
- 1.4 A detached garage was permitted to the side of this house as part of an application approved in 2009 (reference TM/09/02208/FL). This garage measured 6.3m long by 4.3m wide by just over 4m high with a pitched roof. This garage had not been built but the permission is extant as other elements of the permission have been implemented.

2. Reason for reporting to Committee:

2.1 High level of public interest.

3. The Site:

3.1 The site lies within the built confines of Tonbridge, within a residential area. The property itself is a relatively large detached dwelling set within a fairly substantially sized plot which has had a side extension built that was approved in 2009. The route the road takes from Higham Lane down Barchester Way means that the property is set at an angle when viewed head on from the public highway.

- 3.2 The western boundary of the application site is shared by properties in Higham Lane (forms their rear boundary lines). The application site is at a lower ground level than the properties to the west fronting Higham Lane and also is set down from the public highway when viewed from Barchester Way.
- 3.3 Open fields designated as Metropolitan Green Belt are located beyond the northern boundary of the application site.
- 3.4 There is currently a large red lorry that is parked on the drive that the applicant has indicated is full of furniture that he would like to move into the garage once it is completed.

4. Planning History:

TM/91/11345/OLD planning application not 6 August 1991 required

Section 64 Determination: Conversion of garage into dining room.

TM/98/01585/FL Grant With Conditions 11 January 1999

two storey side extension and detached garage

TM/09/02208/FL Approved 3 November 2009

Two storey side extension, alterations and new garage

5. Consultees:

- 5.1 Private Reps: 6/0X/6R/0S. In summary, the objections raise the following issues:
 - Concern over the proposed window in the first floor of the garage in terms of potential loss of privacy [DPHEH comment: This has since been clarified as being in rear elevation, overlooking the fields to the north];
 - The garage is in a different position and higher than that approved in 2009 and thus obscures views of the countryside;
 - The new position of the garage at the bottom of the garden is out of keeping
 with the current configuration of all the buildings along Barchester Way and
 those in Higham Lane. No other building of this size has been built in the rear
 gardens in this area so it is totally out of keeping with the area and the integrity
 of the street scene. All other garages in Barchester Way are either attached to
 or set alongside the main dwelling;
 - The garage does not respect the amenity value of the neighbourhood and has an adverse visual impact on the neighbouring properties in the area;

- 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 onto 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