

Tonbridge
Medway

22 June 2020

TM/20/01289/FL

Proposal: Demolition of existing dwellinghouse, and development of 2no. 5 bedroom semi-detached houses with parking
Location: 22 Hadlow Road Tonbridge Kent TN9 1NY
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1. Description:

- 1.1 Planning permission is sought of the demolition of the existing dwelling occupying 22 Hadlow Road and the construction of a pair of 5 bedroom semi-detached properties (2 dwellings total). Accommodation to both dwellings is proposed to be set over three floors, but the top floor would be contained within the roofspace.
- 1.2 The dwellings are proposed to be constructed from red brickwork, under a tile roof and would incorporate features including bay windows, chimneys, brick quoins, decorative brick details, and ornate arched entrance porches. To the rear a proportioned parapet rear gable with decorative brick features have been proposed.
- 1.3 The plot would be subdivided to create the two new planning units, with the front curtilages each providing for two independent car parking spaces set off a central shared drive onto Hadlow Road. Rear gardens to serve each of the properties would be provided, separated by a 1.8m high close boarded fence. The existing boundary walls would otherwise be retained.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Boughton in order for the committee to consider whether the scale and bulk of the application is in keeping with the local area, as well as to assess the highway implications of the proposals and impact on neighbours in Hadlow Road, Mitre Court and Kendal Drive.

3. The Site:

- 3.1 The site is a detached dwelling located on the eastern side of Hadlow Road within the urban confines of Tonbridge. It lies outside of the Conservation Area which ends further to the south, but could be considered to have a small part in forming its wider setting as the building and some of its neighbours share a similar 19th century vernacular. This property has some resemblance of group value with the adjacent dwelling of a similar form and design, although the neighbouring property is slightly more ornate with brick detailing and slate roof.
- 3.2 The area has a strong residential and suburban character with a mix of designs, including more modern development behind the site and across the road. The site is not subject to any further designations.

4. Planning History (relevant):

TM/64/10050/OLD Refuse 6 October 1964

Outline application for the erection of one house and garage.

TM/04/00234/FL Grant With Conditions 7 May 2004

One pair of 4 bedroom semi detached dwellings with covered parking area and access from Mitre Court

TM/05/01315/RD Grant 8 June 2005

Details and samples of materials submitted pursuant to condition 2 of Consent ref: 04/00234/FL (One pair of 4 bedroom semi detached dwellings with covered parking area and access from Mitre Court)

TM/05/02197/RD Grant 31 August 2005

Details of boarding submitted pursuant to condition 2 of Consent ref: 04/00234/FL (One pair of 4 bedroom semi detached dwellings)

TM/06/03589/RD Approved 12 December 2006

Details of landscaping and boundary treatment submitted pursuant to condition 6 of planning permission TM/04/00234/FL (One pair of 4 bedroom semi detached dwellings with covered parking area and access from Mitre Court)

TM/20/00436/FL Application Withdrawn 3 April 2020

Demolition of existing dwelling and erection of 3 no. 4 bedroom terraced houses with associated parking

5. Consultees:

5.1 KCC (H+T): No objections subject to the imposition of planning conditions

5.2 Private Reps: 4 + site notice/1X/3R/0S. Objections summarised as follows:

- Traffic dangerous and new houses would contribute to more traffic;
- Pavements are narrow and dangerous;
- Impact during construction phase;
- No residents permits so driveway only would be available for parking;
- Existing property should be refurbished, opportunity for conversion into flats whilst retaining the existing building;

- Question why town house could not be constructed in garden along with retention of existing building

6. Determining Issues:

6.1 The site lies within the urban confines of Tonbridge where there is no objection in principle to new development. The key issues are the impact on the character and appearance of the area, neighbouring amenity, and parking and highways safety.

Character and appearance:

6.2 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

6.3 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 127 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

6.4 It is accepted that the existing dwelling has some character and makes a positive contribution to the appearance of the street scene. It shares group value with similar period buildings that sit adjacent and on the corner of Kendall Drive.

6.5 South of the site, the Tonbridge Conservation Area finishes at Mill Lane, but the dwelling and its neighbours loosely form part of its wider setting, as they are buildings of character that provide a transition from the more modern new builds around Mitre Court into the historic buildings within the CA. However, views from the site into the CA and vice versa are very limited, and therefore it is considered that the contribution the site makes towards the setting of the CA is negligible. Accordingly, demolition of the existing building would not result in harm to its setting, and whilst there would be a change in the character and appearance of the area, it is considered that there are insufficient grounds to require its retention.

6.6 The proposed replacement dwellings are designed to reflect the key characteristics of the existing building and adjacent properties from this era, through the use of bay windows, the ornate porch, brick detailing, quoins and the chimneys. Because of the slight increase in height of the proposed dwellings, a smoother transitional effect would be provided between the properties on Mitre Court and the adjacent neighbouring dwellings than currently exists.

6.7 Overall given the mix of dwelling types on the street scene, and the faithful recreation of the features of the existing property, it is considered that the new development would achieve a good standard of design and respect the character and appearance of the area. Accordingly, no objections are raised under policies CP24 of the TMBCS and SQ1 of the MDEDPD.

Residential amenity:

6.8 In terms of neighbouring amenity, the new building sits closer to both adjacent properties. In the case of the neighbour on the southern boundary it would not extend beyond the rear building line of that property and therefore it is considered that no unacceptable overbearing or overshadowing effect would arise. In the case of the dwelling at 6 Mitre Court, whilst the new building would slightly extend beyond the rear building line, this would not be significant and in consideration of the baseline position in which there is a building on site already, it is considered that on balance the impact on that property would not be harmful by reason of an overshadowing or overbearing effect.

6.9 All side windows can be obscure glazed by condition to prevent any loss of privacy. The development is therefore considered to be acceptable in terms of neighbouring amenity.

Highway safety and parking provision:

6.10 Paragraph 108 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.11 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 goes on to state that within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment

area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.12 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

6.13 The policy also sets out that development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

6.14 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied. The aims of Policy SQ8 in requiring safe and suitable access to and from the highway are consistent with the aims of the Framework in respect of these matters.

6.15 Parking would be provided for 2 spaces for each dwelling to a total of 4 spaces. KHS IGN3: Residential Parking sets out the adopted standards for parking levels to serve new developments. It states that for 4+ bedroom dwellings in edge of centre or suburban locations 2 independently accessible spaces should be provided. The development would therefore accord with these standards.

6.16 In terms of highways safety, KCC (H+T) have raised no objections subject to conditions including the installation of the revised access arrangements prior to

occupation, construction management plan and permanent retention of the parking and turning areas. Given the busy road and the need to ensure the construction of the development does not prejudice highways safety, this is considered reasonable and necessary. It is also noted that the number of additional vehicle trips from one house to two houses is unlikely to be significant and as such there is no evidence that the development would result in an unacceptable or severe highways safety impact. Accordingly no objections are raised under policy SQ8 of the MDEDPD, or paragraphs 109 and 110 of the NPPF.

Other material considerations:

- 6.17 The site is not within a flood zone and given the urban location, would not be considered likely to harbour protected species. Accordingly no objections are raised under policies CP10 of the TMBCS or NE3 of the MDE DPD.
- 6.18 Given the proximity of the road it is considered that noise could potentially impact future occupiers unless mitigation measures are installed. The level of noise is not likely to be so significant that acceptable noise climate could not be achieved, particularly given that the site is already in residential use, and therefore in the circumstances of this case it is considered that this can be satisfactorily addressed by condition.

Conclusions and overall planning balance:

- 6.19 Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing carries significant weight. This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- 6.20 Whilst harm to designated heritage assets could provide a clear reason to disengage the presumption, the development is not considered to have a harmful impact in respect of nearby heritage assets like the Tonbridge Conservation Area for the reasons set out within the preceding assessment. Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits of an additional dwelling in the context of a 5 year housing supply shortfall. This is the specific test provided for at paragraph 11 (d) (ii) of the NPPF in terms of applying the presumption in favour of sustainable development.
- 6.21 My conclusion is that there are no adverse impacts arising, moreover none that would outweigh the benefits of the scheme proposed. In all respects, the development is acceptable when assessed against adopted development plan policy and having regard to all other material planning considerations, subject to the imposition of planning conditions. I therefore recommend as follows:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Block Plan 2003/D dated , Site Plan 2003/D REV E dated , Proposed Floor Plans 2003/D/200F dated , Proposed Floor Plans 2003/D/210G dated , Proposed Floor Plans 2003/D/220H dated 22.06.2020, Existing Floor Plans 2003/D/250 dated 22.06.2020, Existing Floor Plans 2003/D/260 dated 22.06.2020, Existing Roof Plan 2003/D/270 dated 22.06.2020, Proposed Elevations 2003/D/400G dated 22.06.2020, Proposed Elevations 2003/D/410H dated 22.06.2020, Proposed Elevations 2003/D/420B dated 22.06.2020, Existing Elevations 2003/D/450 dated 22.06.2020, Existing Elevations 2003/D/460 dated 22.06.2020, Location Plan 2003/S/Location dated 22.06.2020, Plan Flood map dated 22.06.2020, Design and Access Statement dated 22.06.2020.

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 All windows on the first floor flank (side) elevations shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the building is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining properties.
- 4 The development hereby approved shall not be occupied until the areas shown on the submitted layout for a vehicle parking spaces, turning and access onto the highway has 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 (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards and access onto the highway is provided safely.
- 5 Prior to the commencement of the development hereby approved, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 6 Before the development hereby approved is occupied a noise report shall be submitted to and approved in writing by the Local Planning Authority, setting out how the following noise levels can be achieved:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 of BS8233:2014 which states a desirable limit of 50dB LAeq, 16-hour, and a maximum upper limit of 55dB LAeq, 16-hour; and

2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided

The report should also detail any mitigation/attenuation measure needed to attain the abovementioned noise levels which shall be fully implemented as approved.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

Informatives

- 1 A formal application for connection to the public sewerage system is required in order to service this development. More information is available on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. The disposal of surface

water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

- 2 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 e-mail to addresses@tmhc.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.
- 3 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

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