

level. The walls of this building would be constructed from stock brickwork and its roof would be clad with slate tiles. Three parking bays would be located within the garage and the flat above would contain 1 bedroom, a living room/kitchen and a bathroom. Light would be provided to the flat by the use of three dormer windows located within the front (north west) facing roof slope and by roof lights located within the rear (south east) facing roof slope.

- 1.4 The proposed development would create two separate dwellings with this site. The Coach House would have its own private garden curtilage defined by a 2m high brick wall located along the edge of the access road that would meet with the existing 2.4m high boundary wall located on the north east side of the site. The private garden serving the dwelling within the principal Listed Building would be located directly to its rear. This is defined on the south west side by an existing row of Leyland Cypress trees. The north east boundary of this new garden is shown to be defined by new soft landscaping, details of which have not been provided at this stage. The existing mature trees located around the periphery of the site are not shown to be removed under this proposal. Existing fences and walls that form the boundary to this site are shown to be retained.
- 1.5 Two car parking spaces would be provided for The Coach House to the north of this new dwelling house. Two separate parking areas have been identified for use by the intended occupants of the new dwelling within Bordyke End. One would be within the retained parking area located to the west of the dwelling. The other would be located between The Coach House and the proposed garage building, on the eastern side of the site. The proposed garage would serve Bordyke End and would accommodate 3 car parking spaces. A permeable gravel driveway would be located in front of the proposed garage.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Lancaster in response to the concerns expressed by local residents.

3. The Site:

- 3.1 The site is located within the urban confines, on the south side of East Street close to its junction with Hadlow Road/Bordyke. The site contains a Grade II Listed Building dating from c.1840 and which was originally used as a dwelling house. This is described within the list description as being of white brick construction (which is in fact pale yellow in colour). A two storey side extension has been built on the north east side of the original building, from red stock brickwork. The former coach house building is located to the north east side of the principal Listed Building and is of red brick construction.
- 3.2 The majority of the site is located within the Tonbridge Conservation Area. The exception to this is the south east corner of the site where the proposed garage building is located.

3.3 The Warders Medical centre adjoins the site to the south west. Residential properties adjoin the site to the south east and north east.

4. Planning History:

SW/4/65/125 grant with conditions 27 July 1965

Conversion of stores and loft into detached house and garage.

TM/88/1594 grant with conditions 7 December 1988

Use of premises as Class B1 (a) offices together with parking and amended access.

TM/89/970 grant with conditions 27 July 1989

Listed Building Application: Refurbishment works with internal alterations forming new office accommodation.

TM/90/120 grant with conditions 14 March 1990

Listed Building Application: Installation of new timber sash window into existing window opening, previously bricked up. All work to match existing.

TM/90/119 grant with conditions 14 March 1990

Installation of new timber sash window.

TM/97/01441/FL Grant With Conditions 14 January 1998

Alterations and extensions to form additional office accommodation

TM/97/01442/LB Grant With Conditions 14 January 1998

Listed Building Application: alterations and extensions to house and coach house to form additional office premises

TM/02/02984/TNCA No Objection 14 November 2002

Reduce height of 4 Conifers by 10ft and trim sides

TM/02/03238/FL Grant With Conditions 24 December 2002

Alterations and extensions to form additional office accommodation (renewal of planning application TM/97/01441/FL)

TM/02/03241/LB Grant With Conditions 24 December 2002

Alterations and extensions to house and coach house to form additional office premises (renewal of application TM/97/01442/LB)

TM/09/01674/TNCA No Objection 18 August 2009

T1 - Triple stemmed Sycamore remove 2 stems overhanging 3 Mill Crescent. T2 - Reduce line of conifers and remove dead conifers. T3 - Sycamore (ivy covered) Remove. T4 - Sycamore remove overhanging branches

TM/14/00642/TNCA No Objection 25 March 2014

Remove 6 Spruces, 1 Birch, and 4 Lawson Cypress. Reduce height of 3 Western Red Cedars (21, 22 and 22A). Reduce 5 Sycamore by 25% in height and thin crowns and Goat Willow by 50%. Leyland Cypress - cut back from building. Yew - raise canopy. False Acacia - (dead). Remove

5. Consultees:

- 5.1 KCC Highways: No objections.
- 5.2 English Heritage: This application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.
- 5.3 Tonbridge Civic Society: The setting of the Listed Building would be impaired by cars parked in front or to the side of the house. The garage is an inconvenient distance away from the main house. A single storey building would be more neighbourly for the adjoining properties.
- 5.4 Private Reps (including site and press notices) 31/1X/0S/4R: 5 responses in total have been received. None of the responses object to the principle of converting the offices at Bordyke End back to a single dwelling. They do, however, raise the following objections to the scheme:
 - Loss of privacy from the windows within The Coach House conversion.
 - Loss of privacy from the proposed flat above the garage.
 - Harm to outlook from neighbouring properties.
 - Use of The Coach House as a dwelling would increase its use to 7 days a week and therefore cause an additional loss of privacy.
 - The Coach House should be used for vehicle parking with accommodation above. This would negate the need for the proposed garage.

- The garage is out of keeping with the character of the locality.
- Concern with the potential for trees to be removed and how this would affect the amenities of the neighbouring properties.
- The impact of the development upon the existing access arrangements for the neighbouring residential properties.

6. Determining Issues:

6.1 Current Government guidance contained within the NPPF states at paragraph 14:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development** (its emphasis), which should be seen as a golden thread running through both plan making and decision taking...*

For decision taking this means:

- *Approving development proposals that accord with the development plan without delay, and*
- *Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

6.2 Policy CP 11 of the TMBCS states that development will be concentrated within the confines of urban areas including Tonbridge.

6.3 Policy CP 24 of the TMBCS requires all developments to be well designed and must through such matters as scale, layout, siting, character and appearance, be designed to respect the site and its surroundings.

6.4 Policy SQ 1 of the MDEDPD states that new development should protect, conserve and, wherever possible enhance the character and local distinctiveness of the area including its historical and architectural interest.

- 6.5 Part of the site is located within the Tonbridge Conservation Area and indeed the existing buildings within the site are Grade II Listed. Accordingly, current Government guidance contained within section 12 of the NPPF also has to be taken into consideration. It states at paragraph 131:

“In determining planning applications, local planning authorities should take account of:

the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

- 6.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercising its powers, a local planning authority shall pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.
- 6.7 The principle behind the change of use of the office buildings to residential is acceptable in broad policy terms. Similarly, the principle of erecting the new garage with a flat above accords with policy CP 11 and current Government guidance that relates to the presumption in favour of sustainable development, due to the location of the site within the urban confines of Tonbridge.
- 6.8 It is proposed to demolish a single-storey, flat-roof extension to the principal Listed Building that dates from the 1990's, together with a 20th century external metal staircase. It is also proposed to infill a doorway and small window in the flank elevation of this building with matching brickwork. These works would not harm the special architectural or historic interest of this Listed Building and, indeed, would improve its external appearance.
- 6.9 It is proposed to erect a conservatory to the rear of the principal Listed Building. This would have a brick plinth wall, above which would stand a white painted timber frame. The conservatory is of a scale, form, design and appearance that would be sensitive to and in keeping with the character of the existing building.
- 6.10 Internally, some non-original stud partition walls would be removed which again would not cause harm to the fabric of the Listed Building and, in the case of the drawing room and kitchen, these rooms would be restored back to their original size. Some small sections of new stud walling would be erected within the building, but these would not detract from the layout of the building as a whole or the individual room proportions.
- 6.11 The proposed extension to The Coach House would be built over an existing, single storey side element which has a flat roof. The extension would have a simple pitched roof, mirroring the main part of the building and would respect its form and character. The materials used externally with this addition would match those used on the existing building (facing brickwork and slate tiles). All of the existing windows which appear to date from the mid to late 20th Century, would be

replaced. The proposed external works would improve the appearance of the curtilage Listed Building. Internally, The Coach House has been adapted to facilitate its office use. Many of the non-original stud partition walls would be removed and new stud partition walls would be inserted in order to create a 3 bedroom dwelling house. The internal alterations would not remove historic features and would not harm its special architectural or historic interest.

- 6.12 The dwelling house within the neighbouring property at 2 Hadlow Road is located less than 2m away from The Coach House at its closest point. However, no additional windows would be installed within the wall of The Coach House that faces onto this neighbouring residential property and the existing windows would be replaced *in situ*. A residential use of The Coach House would occur 7 days a week as opposed to the existing office use that currently appears to take place 5 days a week. However the proposed use of this building as a dwelling house would not cause any further harm to the privacy or general amenity of the neighbouring residential properties than the existing use of this building as an office. Therefore, whilst I recognise the concerns of the local resident, the scheme is acceptable in this particular aspect. I would, however, recommend the use of a condition to control the insertion of additional windows within this building in the future, in order to safeguard the residential amenity of this neighbouring property.
- 6.13 A small window is located centrally within the gable end of the neighbouring property at 2 Hadlow Road. It is understood that this serves a bedroom located within the roof void at second floor level. The proposed extension has therefore been assessed against the guidance contained within the BRE document "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" to establish how it would affect the availability of daylight to this neighbouring property's bedroom window. The use of this document allows a more detailed analysis to be made concerning the impact of a development upon the availability of light to a neighbouring property than the tests prescribed in the Council's Development Plan policies.
- 6.14 Having applied the tests set out in the BRE document I am satisfied that the side facing window serving a bedroom within 2 Hadlow Road would receive an acceptable level of light were the extension to The Coach House built. I also understand that this particular bedroom is also served by a rear facing dormer window which would not be affected by the proposed development.
- 6.15 Much concern has been expressed regarding the new garage building located towards the rear of the site. As has been described above, the site is located within the Tonbridge urban confines where new housing is supported in principle. The area within which the site is located does not have one particular character type. Mill Crescent, to the east of the site, is characterised by rows of Victorian terraced houses facing the street. By comparison, to rear of the site, four individual dwellings have been built in an entirely acceptable but *ad hoc*, loose-knit

back land development form, and these surround the confines of this site. Given this particular context, the proposed garage with flat over would not appear out of keeping with the layout of existing buildings in the locality.

- 6.16 The proposed building is of a scale that is subservient to the Listed Buildings within this site. It would take a traditional form and design and make use of sensitive materials such as facing brickwork and slate roof tiles, reflecting the palette of materials used on the existing buildings within this site. The proposed garage building would respect the setting of the Listed Buildings within this site and would not detract from views into or out of the adjacent Conservation Area.
- 6.17 Three dormer windows would be located within the front facing roof slope of the garage building. They would be located in excess of 30m away from the rear elevation of the neighbouring dwelling at 2 Hadlow Road. A mature tree screen, which would be retained under this proposal, exists along the boundary of the site with this neighbouring property. As a benchmark, a distance of 21 metres between the principal windows of dwellings is generally considered to be sufficient to safeguard the privacy of the existing property. Other factors such as orientation, building design and boundary treatments can also help. In this particular case, given the separation between the proposed flat and the dwelling house at 2 Hadlow Road and that the mature boundary tree screen is to be retained under this proposal, I am satisfied that the proposed flat above the garage would not cause an unacceptable loss of privacy to this neighbouring residential property.
- 6.18 The annex accommodation above the garage has been designed with no windows facing the adjacent residential properties within Mill Crescent to the east. A staircase would be located on this side of the building to provide access to the flat. Following discussions with the applicant, in order to prevent any overlooking to the neighbouring properties occurring from the top landing or those climbing the stairs this stair would now be an enclosed.
- 6.19 The drawings also indicate the use of two roof-light windows within the rear facing roof slope. The applicant has confirmed that they would be located 1.95m above the internal floor level of the flat. As such these windows would not allow views into the neighbouring residential properties.
- 6.20 Part of the driveway leading to the new garage would be built using a no-dig construction in order to benefit the roots of the mature trees located within this part of the site. A condition can be used to ensure this is carried out as recommended in the submitted Arboricultural report.
- 6.21 The site contains many mature trees located around the periphery of the site which contribute to its verdant character. These trees make a positive contribution to the character of the site and the proposed development has been designed in such a way that no trees would need to be removed to accommodate it. It is proposed to install a permeable 'no dig' system for the driveway in front of the

proposed garage which is designed to reduce the impact of vehicles driving over the root protection areas of the trees. A condition can be used to require details of the no dig construction method for the driveway

- 6.22 The garage building would encroach into part of the root protection area of an Oak tree, which has been acknowledged in the submitted Arboricultural report. A small encroachment into a tree's root protection area should not harm the health of the tree. However, I consider it would be reasonable to require details of the foundation design of the garage to be submitted to and approved by the Borough Council, in order to minimise the harm this building would do to its roots.
- 6.23 Adequate car parking provision would be provided within the site for the proposed two dwellings and annex. Kent Highways has not objected to the proposed development, considering it to be acceptable in terms of highway safety impacts. The vehicle access to the site is shared with four other properties (nos. 51 – 57 East Street (odd)). However, the submitted plans do not show that the existing access arrangements would be changed under the current proposal.
- 6.24 In conclusion, the proposed development complies with current Government guidance and Development Plan policies. It would not detract from the character of the site or the wider locality, including that of the Conservation Area, and would not cause unacceptable detriment to the amenity of the neighbouring residential properties. Consequently, the development is considered to be acceptable and I recommend that planning permission and Listed Building Consent be granted.

7. Recommendation:

(A) TM/14/01371/FL:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 14.04.2014, Letter dated 24.04.2014, Arboricultural Survey dated 14.04.2014, Design and Access Statement dated 24.04.2014, Supporting Information dated 14.04.2014, Location Plan dated 14.04.2014, Proposed Layout P207/PL/100 B overmade for trees dated 14.04.2014, Proposed Layout P207/PL/100 B dated 14.04.2014, Proposed Elevations P207/PL/200 dated 14.04.2014, Proposed Floor Plans P207/PL/300 A dated 14.04.2014, Proposed Plans and Elevations P207/PL/400 dated 14.04.2014, Proposed Plans and Elevations P207/PL/500 garage dated 14.04.2014, subject to:

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. No development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. 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.

4. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space 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 1995 (or any order amending, revoking or 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 of vehicles is likely to lead to hazardous on-street parking.

5. The garage shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

6. No development shall take place until details of tree protection measures 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.

- 7 No development in respect of the garage building shall take place until details of its foundations 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 minimises harm to tree roots in the interest of visual amenity.

- 8 No development in respect of the garage building shall take place until details of its finished floor level in relation to existing ground levels within the site 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.

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the garage/flat building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

- 10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the north east elevation or the roof of The Coach House without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

- 11 No development shall take place until details of the 'no dig' construction to the driveway and parking areas 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 minimises harm to tree roots in the interest of visual amenity.

- 12 The use of the accommodation above the garage hereby permitted shall be ancillary only to that of the new dwelling house at Bordyke End and it shall not be occupied as a separate hereditament.

Reason: In the interests of residential amenity.

Informatives:

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 3 If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
- 4 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or Public Holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

(B) TM/14/01372/LB:

- 7.2 **Grant Listed Building Consent** in accordance with the following submitted details: Letter dated 14.04.2014, Location Plan dated 14.04.2014, Proposed Layout P207/PL/100 B overmarked for trees dated 14.04.2014, Design and Access Statement dated 24.04.2014, Supporting Information dated 14.04.2014, Proposed Layout P207/PL/100 B dated 14.04.2014, Proposed

Elevations P207/PL/200 dated 14.04.2014, Proposed Floor Plans P207/PL/300 A dated 14.04.2014, Proposed Plans and Elevations P207/PL/400 dated 14.04.2014, Proposed Plans and Elevations P207/PL/500 dated 14.04.2014, subject to:

Conditions / Reasons

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No development shall take place until details of any external joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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 standard of workmanship achieved in the carrying out of the development shall conform with the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent).

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

Contact: Matthew Broome

SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 31 July 2014

Tonbridge (A) TM/14/01371/FL
Medway (B) TM/14/01372/LB

(A) Demolition of ancillary outbuilding, conversion of Bordyke End from offices back into residential dwelling with conservatory extension. Conversion of Coach House from offices into separate residential dwelling including first floor extension. Erection of a 3 bay garage with habitable accommodation over; (B) Listed Building Consent: Demolition of ancillary outbuilding, conversion of Bordyke End from offices back into a residential dwelling with conservatory extension. Conversion of Coach House from offices into separate residential dwelling including first floor extension at Bordyke End 59 And The Coach House 63 East Street Tonbridge Kent TN9 1HA for Millwood Designer Homes Ltd

(A) TM/14/01371/FL:

Paragraph 6.18 of the main report explained that the external staircase to serve the annexe accommodation above the garage would be enclosed to prevent overlooking. A plan has now been submitted to that effect and the list of plans to be cited at paragraph 7.1 should be amended to reflect that submission.

AMENDED RECOMMENDATION

Amend Paragraph 7.1:

Grant planning permission in accordance with the following submitted details: Letter dated 14.04.2014, Letter dated 24.04.2014, Arboricultural Survey dated 14.04.2014, Design and Access Statement dated 24.04.2014, Supporting Information dated 14.04.2014, Location Plan dated 14.04.2014, Proposed Elevations P207/PL/200 dated 14.04.2014, Proposed Floor Plans P207/PL/300 A dated 14.04.2014, Proposed Plans and Elevations P207/PL/400 dated 14.04.2014, Letter dated 18.07.2014, Proposed Layout P207/PL/100 C dated 18.07.2014, Proposed Plans and Elevations P207/PL/500 A dated 18.07.2014, Email dated 08.07.2014, Email dated 17.07.2014,