

Tonbridge
Higham

560830 148602 9 July 2014

TM/14/02398/FL

Proposal: Retrospective application for a detached garage
Location: 1 Barchester Way Tonbridge Kent TN10 4HP
Applicant: Mr Trevor King

1. Description:

- 1.1 This is the latest in a series of planning applications relating to the construction of a detached garage building within the rear garden of 1 Barchester Way. Two previous schemes have been refused by APC1; the most recent of these (TM/14/01419/FL) was refused in June this year for the following reason:

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).

- 1.2 The proposed garage is sited in the same position as previously refused and would cover the same footprint; indeed the base has already been laid and the walls have been constructed. However, this latest scheme seeks to overcome the reason for the previous refusal through proposing an alternative roof design with a reduced overall height. Specifically, the space within the roof previously shown to accommodate a playroom has been omitted entirely allowing for the garage to be finished partially with a flat roof, at a height of 3m, with the front portion of the garage to be covered with a false pitched roof at an overall height of 3.6m.
- 1.3 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 has 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 At the request of Councillor Edmondston–Low in light of local interest and the recent planning history.

- The garage should be reduced to 2.5 metres in height; by keeping the first floor roof joists in place, a room might be added to the garage at some time in the future.
- Members agreed at Committee in June that the building should be altered to fall within the provisions of permitted development. The proposed building exceeds these heights.
- The red lorry on the site exceeds the building size allowed under permitted development.
- Works should not have been undertaken without having planning permission. No further planning applications should be submitted.

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, its impact upon the character of the area and the residential amenities of other nearby properties and, crucially, whether the previous grounds of refusal have been overcome.
- 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 previous scheme was refused as it was considered to be an incongruous feature within the locality due to its overall height, the design of the roof and the siting of the garage. I appreciate that the siting of the garage has not altered in any way. However, this was considered as part of a cumulative impact, viewed in the context of the roof height and design, whereas if the height and design of the garage roof have now been amended in such a way to reduce its visual prominence, the garage could arguably be seen to no longer be incongruous by virtue of the siting alone and the siting may be found to be acceptable.
- 6.4 I consider that the proposed design of the roof has significantly improved in terms of visual appearance; moreover, the height of the garage has been noticeably reduced from 6m/5.6m to 3.6m (front portion), 3m (rear portion). As a result, it is

my view that the garage, in this position within the site, would no longer appear as an incongruous, harmful feature within the locality.

- 6.5 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. However, the area that the garage 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. I would also remind Members that the previous, much larger, schemes were not refused on grounds relating to loss of residential amenity.
- 6.6 I acknowledge the nearby residents' view that the height of the building should be reduced to 2.5m to fall within the provisions set out within the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, I would stress that the permitted development fallback position is simply one of the starting points in the comprehensive assessment of acceptability; it does not necessarily represent the only acceptable solution. I would also mention that, should the applicant be minded to, he could demolish the existing structure and rebuild a garage further into the garden (no less than 2m away from the site boundary) and then up to a height of 4m (larger than the scheme currently before Members) under permitted development rights and thus with no approval required from the Council. It is my view that such an option, which would be a legitimate implementation of householder permitted development rights and outside the control of the LPA, would in fact have a far more harmful impact on the visual amenities of the locality. Conversely, the proposed siting of the garage, contained as it is within the corner of the site, now that the height of the garage has been significantly reduced and the roof has been redesigned to appear far more innocuous, would suitably ensure the character and visual amenity of the area would not be harmed.
- 6.7 Residents had concerns in previous applications about the potential use of the garage and I agree that the erection of a building for business use would not be appropriate in this residential area in this location. But that is not what is sought, nevertheless and, notwithstanding the Government's recent general support for enhanced opportunities for home business, I am recommending a condition that limits the use of the garage to that incidental to the main use of the dwelling house.
- 6.8 Whilst to some extent the visual appearance of the garage and the resultant impact on the locality is a subjective judgement to be made I conclude, on balance, that the revised scheme has sufficiently overcome the previous reason for refusal and meets the requirements of policy CP24 of the TMBCS. There can

be no automatic assumption that only permitted development rights are acceptable – each case must be judged on its merits. As such the following recommendation is put forward:

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Drawing TK/02 dated 09.07.2014, Site Plan dated 09.07.2014, subject to the following:

Conditions:

- 1 The garage 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.

- 2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

Contact: Rebecca Jarman