

**Mereworth (Mereworth)**  
East & West Peckham  
Mereworth And Wbury

**TM/23/03116/HH**

**Location:** 246 Butchers Lane Mereworth Maidstone ME18 5QH

**Proposal:** Erection of detached garage

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### **1. Description of Proposal:**

- 1.1 Permission is sought to construct a detached pitched roof garage with log store, to be positioned adjacent to the eastern boundary of the site with Beech Road. The structure is shown as being 7m in length, 3.9m in width, 3.7m to the ridge and 2.2m to the eaves. The log store would be sited on the north western side of the garage covered by an asymmetrical roof and would measure approximately 4m x 0.95m. The building would be constructed of oak frame/timber cladding with plain clay roof tiles. A hardwood stable door and window are shown in the north western side providing access into the application site.
- 1.2 Access to the garage would be via the existing vehicle entrance from the south eastern branch of Butchers Lane. Tracking diagrams have been provided to demonstrate how a vehicle could enter and leave the site with manoeuvring space.

### **2. Reason for reporting to Committee:**

3. The application that has been submitted by the agent, has been signed off by a ward member as a named Director of the Company and objections have been received on the application.

### **2. The Site:**

- 2.1 Number 246 is a mid-terrace house situated on the north eastern side of Butchers Lane. The property and the adjacent cluster of houses occupy a triangular shaped area of land that is adjoined by branches of Butchers Lane to the south east and south west and Beech Road to the north. The application site and adjacent houses fall within the confines of the settlement.
- 2.2 The curtilage associated with number 246 includes a larger area that lies in the eastern corner of the triangular island of land and adjoins the rear boundaries of several adjacent houses. The application site has an existing vehicle access from the south eastern branch of Butchers Lane leading to a parking area.

### **3. Planning History (relevant):**

18/02444/FL Erection of detached dwelling Refused - 25 January 2019 for the following reason:

*“1. The development by virtue of its overall size and layout when considered within the context of the restricted size and shape of the plot could not be satisfactorily accommodated and would appear as an unduly cramped form of development, which would cause demonstrable visual harm to the street scene and the amenities of the wider locality. As such, the proposed development is contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment DPD 2010 and the requirements of paragraphs 127 and 130 of the National Planning Policy Framework 2018.”*

The application was the subject of an appeal which was dismissed. The main issue was the effect on the character and appearance of the area. The overall scale and proportions of the dwelling in relation to the plot size were considered to represent overdevelopment that would be incongruous with the street scene. The Planning Inspector concluded that:

*“The proposal would harm the character and appearance of the area. It would conflict with policy CP24 of the Tonbridge and Malling Borough Council Core Strategy September 2007 and SQ1 of the Managing Development and the Environment Development Plan Document April 2010. Taken together these policies seek to secure well designed development that respects the character and local distinctiveness of the area. It would also be inconsistent with the advice in the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development.”*

#### **4. Consultees:**

##### **4.1 Parish Council:**

- Proposal is not in keeping with the area due to the bulk of the proposed outbuilding.
- Egress of vehicles from the site would be dangerous.
- Loss of drive space due to larger vehicles being unable to access the garage.

Reference has been made to the following non planning matters:

- Renovation works ongoing at number 246 since June 2023 have resulted in noise and disturbance for neighbours.
- Applicant is the same as that for the previously refused house.
- Other parking in the area is leased to residents.

##### **Neighbours:**

- Road junction has poor visibility so access is dangerous
- General parking issues in the area
- Butchers Lane can become a rat run from Kings Hill to Seven Mile Lane
- Site lies in an area of archaeological potential
- Reference to previously refused application for a house on the site
- Surface water problems when it rains and provision for drainage

Other matters raised:

- Unauthorised use of private rented parking spaces by non residents
- Provision for vehicle parking during construction period
- Reference to application form being signed by a Councillor and potential conflicts of interest between his business and planning interests
- Noise and disturbance caused by existing renovation/building works at number 246 and disturbance to neighbours for a long period of time

KCC Highways: “The proposal is for the erection of a detached garage, located within the rear garden of 246 Butchers Lane, Mereworth, which holds existing vehicular access. The swept path drawing, demonstrates that there is sufficient room for a vehicle to enter, turn and egress onto the highway in a forward gear.”

**5. Determining Issues:**

- 5.1 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the ‘development plan’ unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework are a significant material consideration in this regard.
- 5.2 Procedure: In accordance with the Councils adopted procedure, the application has been reported to committee with particular reference to the submission being made by a company operated by a ward Councillor. This is to ensure any potential allegations of conflict of interest have been addressed.
- 5.3 Policy Context: The relevant policy considerations are as follows:
- 5.4 Tonbridge & Malling Borough Core Strategy (2007) policies (CP1 Sustainable Development) and CP24 (Achieving a High Quality Environment).
- 5.5 Policy CP1 outlines the context for determining applications and the need for new development to result in a high quality sustainable environment which will be balanced against the need to protect and enhance the natural and built environment. Policy CP24 states that all development must be well designed and of high quality in terms of detailing, scale, layout and appearance with the use of appropriate materials to respect the site and its surroundings.
- 5.6 Managing Development and the Environment DPD (2010) (SQ1 Landscape and Townscape Protection and Enhancement) and SQ8 (Road Safety). Policy SQ1 states that all new development should protect, conserve and where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest.

- 5.7 Policy SQ8 states 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 and should comply with parking standards.
- 5.8 National Planning Policy Framework 2023 relevant paragraphs include 7, 8, 11, 115, 131, 135. Paragraph 135 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 5.9 The application relates to the introduction of a garage in association with a residential property within the settlement confines. The principle of such a domestic proposal is acceptable, subject to satisfactory design and no undue impact upon the amenities of neighbours. In broad terms the proposal is acceptable in principle having regard to policy CP1. The key planning considerations are therefore the design and siting of the proposed outbuilding and the impact on the visual amenities of the locality, the impact on residential amenity and highway matters.
- 5.10 Design/Visual impact
- 5.11 The proposed garage building is of size and scale that would be capable of accommodating a single car with space around for storage. The structure is of traditional design with pitched roof and would be finished in timber cladding and plain clay roof tiles. It is considered that the proposal involves a traditional design suitable for this rural location and would be finished externally in appropriate materials.
- 5.12 The visual impact of the proposal is considered having regard to the rural character of the area in this part of Mereworth where houses and garages are generally found on smaller sized plots, fronting the highways. Currently the application site is enclosed by 1.8m high panel fences or hedging, with the existing vehicle parking area being open to the Beech Road frontage. To the west of the proposed siting is an surface parking area associated with another nearby property which also has vehicle access onto Beech Road. There is an existing garage with pitched roof to a similar height to that proposed positioned to the rear of 240 Butchers Lane. Another smaller pitched roof outbuilding can be seen to the rear of number 244/246 Butchers Lane.
- 5.13 The garage would be sited parallel with the adjoining road frontage behind an existing hedge. The submitted drawing shows the hedge to be retained, although it is appreciated it could be removed at any time without the need for planning permission. As with other outbuildings in the vicinity the garage would be visible to an extent above existing boundary fences and hedges. The scale of the building is not however excessive, and the structure would be seen in context with other garages or outbuildings associated with the nearby houses. Whilst the garage will be visible when approaching from the local road network it would not result in undue harm to the visual amenities of the street scene or overall character of the area such as to justify withholding consent.

- 5.14 It is noted that the houses in the triangle of land have small rear gardens and that due to the close siting there is a degree of interlocking between properties. Number 246 by contrast benefits from a larger area of curtilage land that that is available for amenity and vehicle parking purposes. The proposed garage would be sited in the southern corner of the associated land, leaving adequate amenity space for the occupants of number 246. It is concluded that the garage would not result in overdevelopment of the plot.
- 5.15 It is considered that the proposal would be in accordance with the aims of Policies CP24 of the TMBCS and SQ1 of the MDE DPD and paragraph 135 of the NPPF.
- 5.16 Impact on residential amenity
- 5.17 The application has been considered having regard to the amenities of occupants of neighbouring houses, both those within the triangle of land and those fronting the adjoining roads.
- 5.18 The proposal will not result in undue overshadowing given the single storey nature of the building, location to the north east of the terrace of houses in Butchers Lane and the distance of separation from other houses.
- 5.19 The introduction of a domestic outbuilding in this location will alter the outlook from neighbouring properties to a degree but due to the separation distance from surrounding houses will not result in an overbearing impact or cause detrimental harm such as to withhold permission.
- 5.20 The proposal is considered acceptable with regard to any impact on existing residential amenities and having regard to the above policy context.
- 5.21 Highway matters
- 5.22 Under paragraph 115 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.
- 5.23 The application site has an existing vehicle access from a surface parking area onto the unclassified Beech Road. The access is shown as remaining and the existing surface parking space would become part of the manoeuvring space to provide access into and out of the garage. The KCC Highways team would not normally comment on a development of this size as it would fall outside of their criteria to warrant involvement. They have confirmed however that the tracking details provided show that there is sufficient room for a vehicle to enter, turn and egress onto the highway in a forward gear.
- 5.24 In terms of paragraph 115 of the NPPF the proposal is considered to be acceptable and there are no highway reasons to withhold planning permission.

- 5.25 **Other Matters:** The concerns of the neighbours are noted and have been given careful consideration and addressed above. In addition, the following comments are made.-
- 5.26 There are concerns from residents regarding construction traffic. A development of this scale would not warrant a construction management plan.
- 5.27 Any unacceptable noise issues associated with works at the site would need to be reported to the Environmental Health team for assessment under their legislation, to establish whether a statutory noise nuisance had occurred. An informative regarding noisy building working hours shall be added to the decision notice for information.
- 5.28 The site lies in an area of archaeological potential but due to the minor scale of development does not require input from the KCC Archaeology Officer.
- 5.29 The use of leased parking arrangements would be a private matter between the parties concerned.
- 5.30 Any drainage issues associated with the proposal would be covered under a Building Regulations application and legislation. Surface water drainage in the highway should be addressed to the relevant organisation.
- 5.31 **Conclusion:**
- 5.32 The proposal comprises a minor form of development on land associated with a domestic property. No indication has been given that it would be used for business purposes and the garage would be reached via an existing access.
- 5.33 The proposed garage building is of an appropriate scale and design for this rural location and would not have an adverse impact on the character of the area, the host dwelling or the amenity of the neighbouring properties. It would make use of an existing access and would not result in a change to local highway matters.
- 5.34 The proposal is found to be acceptable in terms of Core Strategy policies CP1, CP24 and SQ1 and SQ8 of the MDE DPD together with relevant paragraphs of the NPPF. In light of the above considerations, it is recommended that planning permission is granted.

**6. Recommendation: Grant Planning Permission in accordance with the following:**

**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. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location plan AL02 received 16.10.2023

Proposed plans and elevations SK01 received 16.10.2023

Planning statement received 16.10.2023

AL02 vehicle manoeuvring plan received 4.1.2024

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. 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.

4. The development hereby approved shall only be used for purposes incidental to the dwelling and at no time shall it be used for business or commercial purposes.

Reason: In the interests of the residential amenities of the occupants of adjacent properties.

Informative

During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 08:00 hours- 18:00 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

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