

REPORT SUMMARY

REFERENCE NO - 21/04232/FULL
APPLICATION PROPOSAL Proposed front and rear extensions to convert building from 11no existing one-bedroom flats into 11no two bedroom flats
ADDRESS Sunhill Place High Street Pembury Tunbridge Wells Kent TN2 4NZ
RECOMMENDATION Grant (see section 11 of the Report for the full recommendation)
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">• The proposal is acceptable in principle, as an extension to an existing residential building within the Limits to Built Development;• The proposal would cause very limited harm to the significance of the Conservation Area, which is outweighed by the public benefits of the development;• The proposal would result in the loss of a single poor quality tree in the rear garden which can be compensated for by replacement landscaping.• There would not be a significantly detrimental impact upon the residential amenity of neighbouring properties;• The proposal maintains existing car parking levels at the site, when judged against KCC Parking Standards;• Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL <p>The following are considered to be material to the application:</p> <p>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A</p> <p>Net increase in numbers of jobs: N/A</p> <p>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</p> <p>The following are not considered to be material to the application:</p> <p>Estimated annual council tax benefit for Borough: N/A</p> <p>Estimated annual council tax benefit total: N/A</p> <p>Estimated annual business rates benefits for Borough: N/A</p>
REASON FOR REFERRAL TO COMMITTEE <p>Called by Cllr Roberts if recommended for approval on the following grounds;</p> <ul style="list-style-type: none">• This would be an over-development of the site with over a 50% increase in footprint into the garden area;• This is a Heritage building within the Conservation Area requirements;• The trees and shrubs will have to be removed in order to provide parking spaces but the application form states that no removal of trees and hedgerows is necessary. There is a mature Beech tree and, for access purposes, this would have to be felled;• There will be a privacy impact on the residents of The Mews and The Paddock;• There is concern about residents living there (stated to be NHS employees) whilst work is carried out; will they have an option to continue living there?• There is no provision for cycle spaces/storage in the application;

<ul style="list-style-type: none"> There is no provision for electric charging points in the application. 			
WARD Pembury	PARISH/TOWN COUNCIL Pembury Parish Council	APPLICANT Mr Gerrard Pheonix AGENT Mr Roger Ward	
DECISION DUE DATE 13/06/22 (EOT)	PUBLICITY EXPIRY DATE 01/04/22	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
17/03535/FULL	<p>Erection of a two-storey detached dwelling (in rear garden)</p> <p><i>Reasons:</i></p> <p>1) <i>The proposal is considered to result in the loss of residential amenities to 7 (no.) The Mews as a result of overlooking from the first floor windows in the rear elevation of the proposed development. It is also considered that the amenities of the occupants of the proposed development will be harmed due to loss of privacy caused by overlooking from the first and second floor windows in the rear elevation of Sunhill Place. The proposal therefore conflicts with the National Planning Policy Framework 2012, National Planning Policy Guidance, Policy EN1 of the adopted Tunbridge Wells Borough Local Plan 2006.</i></p> <p>2) <i>The proposed development results in the loss of open space forming the curtilage of a Victorian building which makes a significant contribution to the character and appearance of the Conservation Area. It will also result in the loss of a mature Beech tree which is considered to contribute to the character of the Conservation Area. The proposals are therefore considered to result in harm to the character and appearance of the Conservation Area, and as a result cannot be considered to be sustainable development, which is contrary to the requirements of the National Planning Policy Framework 2012, Policy EN5 of the adopted Tunbridge Wells Borough Local Plan 2006 and Core Development Strategy 2010, Policy 4.</i></p> <p>Appeal dismissed 20/07/18. RfR 1 only partly upheld (in respect of overlooking towards the proposed dwelling from the rear of Sunhill Place). RfR 2 upheld.</p>	Refused	22/12/17
04/01290/TREECA	Trees in a Conservation Area Notification: BLUE CEDAR - Fell	No Objection	02/07/04

77/00399	Change of use of common room facilities to living accommodation (Flat 1).	Granted	22/07/77
75/00426	Extension to provide lift installation.	Granted	29/09/75

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies within the Pembury Conservation Area and the Limits to Built Development. Sunhill Place is a converted Victorian apartment building of 11 units, showing a mixture of storey heights and a cascading series of slate roofs punctuated by a series of chimney stacks; it has private grassed amenity space at the rear, which is fenced on two sides and open to the Sunhill Court car park on the other. Access to the site is through the communal car park serving Sunhill Place and Sunhill Court. The application site is generally level.
- 1.02 The flats are stated to be predominantly occupied by tenants who work for the NHS at the Tunbridge Wells Hospital, although this is mainly due to the building's proximity to the hospital; the Sunhill Place flats are open market dwellings with no planning restrictions on their occupancy.
- 1.03 To the NW of the site, there is a residential cul-de-sac called The Mews (accessed off the High Street) and No. 7 is closest, as it adjoins the boundary. To the immediate west are Nos. 46 and 46A The High Street, two flats which are physically attached to Sunhill Place and are part of the original building.
- 1.04 To the North (rear), there is 31 The Paddock which is set at a lower level than the application site (approximately 1 metre). There are no windows in the flank elevation of this property and a mature hedge adjacent to the boundary provides screening.
- 1.05 To the East there is Sunhill Court, a block of 54 No. 1960s housing association flats which is separated from Sunhill Place by a large car park that is shared between the two buildings. Sunhill Place also has a parking area to the front of the building.
- 1.06 There are several trees within the site, one of which (an apple tree) would need to be removed as part of the proposals.

2.0 PROPOSAL

- 2.01 The proposal is for front and rear extensions to convert the building from 11no existing one-bedroom flats into 11no two bedroom flats. There would be no increase in dwelling numbers as a result of the proposal.
- 2.02 The main extension is a flat roofed two storey rear addition, with a smaller extension to the front which also incorporates the existing 1970s lift shaft so it is no longer visible.
- 2.03 Parking numbers would remain the same (10 spaces) and a cycle store would be added to the rear, linked to the car park via a small pathway. A single apple tree in the rear garden would be required to be removed to accommodate the rear extension.

- 2.04 The Planning Statement advises that this is part of a wider scheme of upgrading and refurbishment to the building in order to bring wiring, plumbing and other facilities up to modern standards. We are told many of the fittings and fixtures are life expired.
- 2.05 The proposal was originally for a larger extension and an additional flat, along with a greater amount of tree/shrub removal at the rear and three additional parking spaces. However the plans were amended during the application procedure. A Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and a Tree Protection Plan were also submitted after the application was validated.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	0.12ha	0.12ha	No change
Land use(s) including floor area(s)	Residential	Residential	No change
Car parking spaces	10	10	No change
No. of storeys	3	Extension is two storey; rest of building remains three storey	N/A
Max height	12.2m	Extension - 7.5m Overall building height unchanged	N/A
Max eaves height	9.8m	Extension - 7.5m Overall building eaves height unchanged	
No. of residential units	11	11	No change

4.0 PLANNING CONSTRAINTS

- Pembury Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Limits to built development INSIDE
- Potentially Contaminated Land + 50M Buffer - Various Sites
- Aquifer Protection Zone Aquifer Zone 3-4

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2021 (NPPF) National Planning Practice Guidance (NPPG)

Core Strategy Development Plan Document (2010):

- Core Policy 1 (Delivery of Development)
- Core Policy 4 (Environment)
- Core Policy 5 (Sustainable Design and Construction)
- Core Policy 6 (Housing Provision)

Tunbridge Wells Borough Local Plan 2006:

- Policy EN1 (Development Control Criteria)

- Policy EN5 (Development within or affecting the character of, a Conservation Area)
- Policy EN13 (Trees)
- Policy H5 (Residential development within Limits to Built Development)
- Policy TP4 (Access to the Road Network)
- Policy TP5 (Vehicle Parking Standards).
- Policy TP9 (Cycle Parking)

Tunbridge Wells Borough Submission Local Plan 2020-2038

- Policy STR1: The Development Strategy
- Policy STR2: Place Shaping and Design
- Policy STR3: Brownfield Land
- Policy STR5: Infrastructure and Connectivity
- Policy STR6: Transport and Parking
- Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment
- Policy EN1: Sustainable Design
- Policy EN2: Sustainable Design Standards
- Policy EN4: Historic Environment
- Policy EN5: Heritage Assets
- Policy EN12: Trees, Woodland, Hedges, and Development
- Policy EN16: Landscape within the Built Environment
- Policy TP2: Transport Design and Accessibility
- Policy TP3: Parking Standards

Supplementary Planning Documents:

- Pembury Conservation Area Appraisal
- Kent Design Guide: Interim Guidance Note 3 Residential Vehicle Parking Standards (2008).

6.0 LOCAL REPRESENTATIONS

6.01 Four site notices were displayed on 26th January 2022. The application was also advertised in the local press on 28th January 2022.

6.02 A total of 8 responses (including from the Pembury Society) were received following validation of the application raising the following concerns and objections to the proposal;

- Objection to three additional parking spaces at the rear of the site (subsequently removed from the plans);
- Impact on Conservation Area and character of the building;
- Overdevelopment;
- Loss of privacy and light towards neighbouring properties;
- Flooding and run off towards 29 and 31 The Paddock and need for sustainable drainage;
- Loss of trees and hedges;
- Parking issues;
- Development is unnecessary;
- Loss of affordable one bedroomed flats;
- Loss of private view (*not a planning matter*).

6.03 One comment was supportive, stating they were pleased to see a developer retain the building and its character, provide additional two bedroom properties (which can then be used by hospital staff)

- 6.04 Following re-consultation on amended plans, three further objections (including from the Pembury Society) were received;
- Increase in footprint still unacceptable and still amounts to overdevelopment;
 - Extension still does not respect the character of the building;
 - Parking shortfall;
 - Risk of tree loss;
 - Need for rear garden to remain as lawn;
 - Still causes a loss of privacy.

7.0 CONSULTATIONS

Pembury Parish Council

- 7.01 **(12/04/22)** - The Parish Council objects to this revised application for the following reasons:
- This is an over-development of the site
 - This is a Heritage building within the Conservation Area
 - There are concerns about the removal of trees
 - There are concerns about the lack of parking

- 7.02 **(27/01/22)** – following objections raised;

- This would be an over-development of the site with over a 50% increase in footprint into the garden area;
- This is a Heritage building within the Conservation Area requirements;
- The trees and shrubs will have to be removed in order to provide parking spaces but the application form states that no removal of trees and hedgerows is necessary. There is a mature Beech tree and, for access purposes, this would have to be felled;
- There will be a privacy impact on the residents of The Mews and The Paddock;
- There is concern about residents living there (stated to be NHS employees) whilst work is carried out; will they have an option to continue living there?
- There is no provision for cycle spaces/storage in the application;
- There is no provision for electric charging points in the application.

KCC Highways

- 7.03 **(25/01/22)** – below threshold for comment

KCC Economic Development

- 7.04 **(04/02/22)** – Request for S.106 contributions towards secondary education, Community Learning/Social Care/ Libraries, Youth Service and waste.

Mid Kent Environmental Protection

- 7.05 **(20/01/22)** - MAIN POINTS CONSIDERED: Land contamination, noise, air quality

- 7.06 COMMENTS - have reviewed the application and have no comments or objections in regard to the factors above.

- 7.07 Condition sought regarding EV charging points. Informative sought regarding Mid Kent Environmental Code of Development Practice.

TWBC Conservation and Urban Design Officer

- 7.08 **(21/03/22)** - The rear extension has been reduced in height and depth and windows introduced to the elevations. This has further reduced the amount of harm to the Conservation Area and the house itself as a non-designated heritage asset. Flat roofs on houses of this style (with subservient rear or side extensions) are not unusual provided that the parapet cornice is well detailed. There is still an element of

harm with the scale of the proposed changes to the house, but given that these are well detailed, at least at the scale given, and the rear extension mostly a private view, then the harm is at the very low end of less than substantial for both. The conditions above are still relevant but can I add 'parapet' to the list of features in (b).

- 7.09 **(21/03/22)** - Sunhill Place is a large Victorian mansion, converted into flats, which had been set within extensive grounds in a linear form parallel with the main road, until Sunhill Court was built in the 1960s. It is located in the Pembury Conservation Area.
- 7.10 This application proposes side and rear extensions, with the rear extensions forming the bulk of the new build, to provide additional accommodation. Consider it to be a non-designated heritage asset in accordance with paragraph 203 of the NPPF, and a positive contributor to the Conservation Area (s.72 of the Planning (Listed Building and Conservation Areas) Act 1990).
- 7.11 The extension to the front is sensitively placed, but this is entirely dependent on the architectural detailing matching the existing, so we would need a condition to ask for typical large scale details of these. The rear extension is very deep and slightly at odds with the proportions of the building, in particular the long blank east wall. It also intrudes into what is left of the open space around the building. For these reasons, a small amount of harm is caused to it as a NDHA. The harm is small as this is a semi-private view and experienced within the grounds, not from public viewpoints easily.
- 7.12 For this reason, the harm to the Conservation Area in terms of loss of space and effect on a positive contributor is on the low end of less than substantial. The harm is somewhat mitigated by the indicative matching form and materials. Paragraph 203 directs that harm to NDHAs must be considered in terms of it being proportionate to this status, and states that;
- 'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
- 7.13 Paragraph 202 states that any harm should be weighed against the public benefits of a proposal. Case Officer may feel that the additional accommodation is justified and outweighs the low level of harm. Should they be minded to approve, the following conditions are suggested (*Officer note: these are listed at condition 3 below*)

8.0 APPLICANT'S SUPPORTING COMMENTS (summary of planning statement)

- The proposed development would improve the living accommodation at the property as well as enhancing the character and appearance of the surrounding Conservation Area.
- The proposal would not adversely affect neighbouring residential amenity or local highway safety.
- The proposal is considered to be in keeping with the scale and appearance of the host dwelling, subservient in scale, and appropriate in design to the host property.
- For the above reasons it is therefore respectfully requested that planning permission be granted for the proposed development.

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Application form

Design & Access Statement
Planning Statement
4421.WD.02A - Existing Floor Plans
4421.WD.07A - Location and existing site plans
4421.WD.09 - Existing Elevations
4421.WD.10- Existing Elevations
Tree Survey (Arbtech, 04/05/22)
Arboricultural Impact Assessment (Arbtech June 2022)

10.0 APPRAISAL

Principle of Development

- 10.01 The site lies within the Limits to Built Development where extensions and alterations are acceptable in principle. The proposal would not create any additional dwellings, so would not assist in meeting the Council's five year housing land supply requirement.
- 10.02 The issues to consider here would be the impact of the proposal on the character and appearance of the Conservation Area, the design and appearance of the development, as well as the impacts upon residential amenity, parking matters, impact on nearby trees and any other material considerations.
- 10.03 The application falls to be determined primarily against the existing Development Plan (the 2006 Local Plan, the 2010 Core Strategy DPD and the 2016 Site Allocations LP). The emerging Local Plan is still undergoing Examination and consequently carries limited to moderate weight.
- 10.04 Objectors have referred to the likely need for current residents to move out whilst the development takes place; and that they may be unable to afford to return (as the dwellings will be larger and therefore command a higher rent or be sold).
- 10.05 This is a privately owned building over where the Council have no control over who occupies the dwellings and where nothing prohibits the owners from selling the flats. Likewise there is nothing within planning legislation to prevent the owner ending tenancies or selling any of the flats. Whether the current tenants can be required to vacate (and their rights in these circumstances) is covered by other legislation and is not a planning matter. Regardless of their occupation, the personal circumstances of residents cannot carry weight in applications such as these, a point frequently reinforced by Planning Inspectors at appeals.
- 10.06 In addition the applicant states that the building is in need of refurbishment and requires various works such as re-wiring and re-plumbing. It is likely that the tenants would be required to vacate whilst this work is carried out, even in the absence of a planning application to extend the building.
- 10.08 Objections have been raised at the loss of smaller one bedroomed properties in Pembury. The 2018 Housing Needs Study, which forms part of the evidence base of the new Local Plan, states on page 37, table 4.4 that;
- Within Pembury 9.6% of dwellings are flats;
 - This is lower than the rural parish total of 12.1% and the Borough total of 22.7%;
 - The Pembury figure is comparable with adjacent settlements outside the unparished Tunbridge Wells area such as Paddock Wood, Brenchley and Horsmonden.
- 10.09 Page 39, table 4.5 shows that

- Within Pembury 14.1% of dwellings are one bedroomed/studio dwellings and 12.2% are two bedroomed (this includes houses).
- The rural parish total is 10.4% and 21.4% respectively, and the Borough total is 14.7% and 24.9% respectively;
- The Pembury figure is comparable with settlements outside the unparished Tunbridge Wells area such as Paddock Wood, Goudhurst and Lamberhurst.

10.10 These figures do not suggest there is a particular shortfall of one or two bedroomed flats compared to either the other rural parished areas nor the Borough in total. If anything, it shows a lower amount of two bedroomed dwellings and a greater amount of one bedroomed dwellings in Pembury in relation to comparable parished areas.

10.11 In addition, several flats in the same building can often be merged with each other to create a single larger dwelling without the requirement for planning permission, so long as no external alterations are involved. This is because such works do not amount to a material change of use requiring planning permission under S.55 of the Town and Country Planning Act. Whilst it is unlikely that converting all 11 to a single dwelling can be considered this way, flat numbers within the building could probably be reduced by half or two thirds without any recourse to the Local Planning Authority.

Heritage impacts (designated and non-designated) including design matters

10.12 As set out in the 'constraints' section above the site is within the Conservation Area (CA). The CA is a 'designated' heritage asset and the building itself is a 'non-designated' heritage asset (NDHA). Both terms are defined within the Annex to the NPPF.

10.13 Planning legislation (S.72 (1) of the 1990 Act) requires that, when considering whether to grant planning permission for development which affects the significance of the CA, the LPA shall have special regard to the desirability of preserving or enhancing the character of the area. These matters should be accorded considerable importance and weight when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status.

10.14 Para 197 of the NPPF states that Local Planning Authorities should take account of the desirability of new development sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality is highlighted, as is the desirability of new development making a positive contribution to local character and distinctiveness.

10.15 Para 202 requires a balance of public benefits to be applied should the harm from new development be considered less-than-substantial, to the significance of a heritage asset. 'Substantial harm' as per NPPF Para 201 has not been identified to the significance of designated heritage assets.

10.16 Para 203 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. NDHAs have no statutory protection and consequently the impact upon them carries less weight in the planning balance.

- 10.17 Impact on the CA also falls to be considered under LP policy EN5; then more broadly under EN1 and CS Policy 4, which seeks to conserve and enhance the Borough's urban environments (including CAs) at criteria (1) and (5). The Cranbrook CA Appraisal supplements these policies.
- 10.18 The Conservation Officer considers the harm to the significance of the CA (based on the amended plans) to be at the very low end of 'less than substantial'. This arises from the scale of the proposed changes to the house, and is mitigated by good detailing and the fact that the rear extension is mostly seen from private gardens/dwellings. The flat roof is not considered to be a harmful element in itself if the parapet detailing is undertaken properly (details of this, and the other matters the CO wishes to see conditioned, are within condition 3 below). The extension is considered to be appropriately proportioned and is subservient in appearance to the main house. The fenestration breaks up the appearance of the walls, as does the architectural detailing.
- 10.19 Planning legislation requires that, when considering whether to grant planning permission for development which affects the CA, the LPA shall have special regard to the desirability of preserving or enhancing the character of the area. These matters should be accorded considerable importance and weight when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status.
- 10.20 Some harm would arise from the proposal towards the significance of the CA as a designated heritage asset, as set out above. In the CO's view this is at the very low end of 'less than substantial' - in other words, a very limited degree of harm. Nevertheless, there is a presumption against the grant of planning permission in such circumstances. However such a presumption may be overridden in favour of development which is desirable on the ground of some other public interest. This is expressed in the wording of NPPF Para 202. In this case, whilst the proposal does not deliver additional housing it does result in modernised accommodation in a sustainable location, which is a public benefit. On this basis the limited harm arising from the proposal is considered to be outweighed by the public benefits.
- 10.21 Objections have been raised based on the near 50% increase in floorspace. However there are no percentage based restrictions or limits to extensions to residential buildings within the LBD.
- 10.22 Planning permission has been refused for a single dwelling in the rear garden (and an appeal against that refusal dismissed) however that proposal was for a different form of development, of a different design and in a different location.
- Trees**
- 10.23 Being within the Conservation Area, the trees within the site benefit from statutory protection. Works to them or felling cannot be undertaken without first submitting a six week notification to the Council (or if they are permitted to be worked on/removed through a grant of planning permission). In response to a six-week notification, the Council can only either state they have no objections; or place a Tree Preservation Order on said trees. This was the procedure followed in 2004 when a cedar tree was removed from the rear garden (see planning history above).
- 10.24 The applicant has submitted a Tree Survey, Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP). The AMS summarises various necessary tree works;

- Trees T01 and T04 (*Lawson Cypress*) and T03 (*Western Red Cedar*) are to have their crowns lifted to 3m above either the access or the car park.
 - T09 (*apple tree*) is to be felled to ground level to accommodate the rear extension and its stump ground out
 - T10 (*cherry prune*) requires the south and east crown to be trimmed away from the footpath.
- 10.25 No objection is raised to these works as all the affected trees are low quality trees graded at C1 (or in the case of T01, is U-graded - meaning it is of virtually no value). It is highly unlikely they would ever be considered appropriate to protect by way of a TPO. In addition, the apple tree T09 is essentially a garden tree which contributes little to wider public amenity. The works to T01, T03 and T04 are all necessitated by their proximity to the existing parking area, which will be unchanged. Such works are likely to be required anyway, given the car park is already in use. Additional landscaping can be sought by condition to offset the loss of T9.
- 10.26 There would also be works within the RPA of T10 (*cherry prune*) and to a minimal extent T11 (*Copper Beech*) to create a footpath but the AMS considers this can be undertaken using a geotextile membrane without disturbing the roots.
- 10.27 Replacement hard surfacing is also required around Trees T01 – T05, G01 and G02. The AMS states that works to break up the existing hard surface will be undertaken under direct on-site arboricultural supervision, using hand/handheld tools during the landscaping phase of the development. There is to be no disturbance of the soil beneath.
- 10.28 The submitted AMS and TPP can be secured by condition.

Parking and highway safety matters

- 10.29 The current parking provision is 10 spaces for 11 flats, contained within the front parking area. The spaces within the large car park to the east of the site are designated for the use of Sunhill Court.
- 10.30 The front parking area remains unchanged in the proposed block plan.
- 10.31 The parking standards for residential units are outlined within the Kent Design Guide: Interim Guidance Note 3 Residential Vehicle Parking Standards (2008). The standards stipulate that one and two bedroom units in village locations should be provided with a minimum of one parking space per unit. With regard to visitor parking, it is noted that IGN3 states that on-street parking can be used. Therefore the existing under provision of one space would be maintained.
- 10.32 Emerging parking standards within the new local plan have not been formally adopted: it is still mid- examination and does not displace the current parking standards.
- 10.33 The site is in a very sustainable location within walking distance of local shops/services and is close to a main bus route to Tunbridge Wells. Cycle storage is included within the scheme and can be conditioned. As such, although numerically one space short, the parking provision is considered appropriate. It is also relevant that there are no conditions on existing planning permissions that require the existing parking area in front of the building to be provided or maintained, whereas if granted permission a condition of this nature can be used.

10.34 It is recognised that residential areas can be prone to parking saturation. There is a difference between the inconvenience of high parking pressure to local residents and parking-related highway safety. Inspectors have, at appeal, traditionally only given weight to highway safety issues arising from parking. It would be difficult to directly attribute a significant parking-related safety issue directly to this development, given the number of other dwellings that already use the roads around the site, the slow speed that vehicles are likely to travel at in the area around the access point and the fact that there is parking availability in nearby streets. Inspectors have traditionally only given weight to concerns regarding highway safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application. Therefore, in this instance, it is not considered that the proposal would cause harm to highway safety; no objection is raised by KCC in terms of the impact of the development on the road network.

Residential amenity

10.35 Policy EN1 of the 2006 Local Plan requires that *'The proposal would not cause significant harm to the residential amenities of adjoining occupiers, and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight and privacy'*.

10.36 Objections have been received from neighbours based on loss of privacy. It is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to 'see' towards another property. Policy EN1 also addresses a loss of outlook from nearby occupiers. For an 'outlook' to be substantially harmed the impact must be far greater than a simple change of view. The preservation of a private view or the corresponding impact on adjoining property values through the loss of that view are not material planning considerations.

10.37 The nearest dwellings to the proposed development are: 46A and B High Street, No.7 The Meads and No.31 The Paddock. Other dwellings are too far away with intervening features such as trees and other buildings) to be realistically affected by the development. The impacts on each will be addressed in turn.

No.31 The Paddock

10.38 No.31 is to the north of Sunhill Place. The existing rear elevation is between 20 and 25m from the common boundary with No.31 The Paddock, a gap of 26m and 28m between the two buildings. No.31 The Paddock is set approximately 1m lower than Sunhill Place; there is a 1.6m closeboard fence on the boundary and intervening trees/vegetation. This vegetation includes;

- T11 (a 16m high Copper Beech);
- T12 and T13 (6m high Cherry Laurel and Whitebeam trees);
- T14 (a 5m high laburnum tree) and
- G05 (a 3.5m high group on the boundary primarily comprising of leylandii, cherry laurel and bay). Note this group is within No.31's rear garden, and its maintained at its current height by the occupiers of that property.

10.39 The two storey extension would retain all of the above trees/hedges, and bring the rear elevation of Sunhill Place between 13 and 17m from the rear common boundary. The ground floor rear elevation windows serve bedrooms within flats 1A and 1B and will not materially overlook No.31 due to the distance from the boundary, the intervening fence and boundary hedging belonging to No.31 and the shallow angle of sight between the two.

- 10.40 The upper floor windows serve Flat 4's sitting room/kitchen/dining area and a bedroom serving Flat 5. The Flat 5 bedroom window faces away from No.31. Of the three windows serving Flat 4, two are proposed to be obscure glazed up to 1.8m from ground floor level, and the third left as clear glass. This can be secured by condition and is justified by Sunhill Place being a taller building set at a higher level. The clear glass window faces towards the side of No.31, with the trees in between. This limits views of No.31's rear garden and is not in itself considered to cause a significant overlooking impact. The distance and relationship is such that the rear extension would not be unduly overbearing or cause a material loss of light to No.31.

46A and B The High Street

- 10.41 This building is to the west of Sunhill Place. At present there is a bay window at the rear of Sunhill Place, one of whose first floor windows allows overlooking towards the garden area serving 46A/B. The rear building line of Sunhill Place is generally set 1.8m further back than 46A/B The High Street although the latter has a small, recessed patio area adjacent to the boundary.
- 10.42 The proposal would introduce a 7.5m deep two storey wall 7m from the common boundary. This would be visible from the rear garden and affect light flow for part of the morning, although the only other building that could impede sunlight flow to 46A/B is the house at 7 The Meads. In other words, light flow will be affected for part of the morning but otherwise it will remain the same as present. This is not considered to be so substantial an impact upon outlook nor light flow that refusal is warranted.
- 10.43 There are two bedroom windows facing the communal rear garden of Nos.46A/B. Both are proposed to be obscure glazed and this can be required by condition.

No.7 The Meads

- 10.44 This dwellinghouse is located to the NW of Sunhill Place. It is divided from the garden of Sunhill Place by a standard closeboard fence.
- 10.45 It is noted that the application for a single dwelling was refused in 2017 on the basis of overlooking towards No.7, but this reason for refusal was not upheld by the Inspector in the subsequent appeal for the following reasons;

14. The proposed dwelling's first floor rear windows would face across its rear garden and towards No 7 The Mews, beyond. Although the neighbouring property has a shallow rear garden the distance between the dwellings' rear elevations would reach some 17m which I consider to be an adequate separation so as not to impinge on the residential privacies of the occupiers at No7. The potential for overlooking of No 7's rear garden from the bedroom windows would not be particularly significant and this could be further mitigated by appropriate landscaping and planting.

- 10.46 Assuming the standard 45 degree viewing angle from a window, the only window that would realistically overlook 7 The Meads (given the spatial relationship between No.7 and Sunhill Place) is the NW-facing section of the first floor bay window. This would be between 12 and 15 of the common boundary between Sunhill Place and 7 The Meads. The window can however be required to be obscure glazed and this is considered justified given the shorter distance than referred to in the Inspector's decision above

Living conditions of future occupiers of the flats

- 10.47 The flats are considered to demonstrate appropriate levels of light and outlook for the future occupants, without being overlooked by other dwellings. Flats 4 and 5 contain

rooflights which are within the line of sight of Flat 9's rear facing windows, but are proposed to be protected by a 'modesty screen' which would prevent views through the rooflights from the upper floor dwellings.

- 10.48 Flat 5 would only include one fully clear glazed window; the two bedroom windows, the kitchen window and one of the dining room windows would be partly obscure glazed (to prevent overlooking towards neighbouring dwellings) and fixed shut / top opening only. The rooflights ensure sufficient light flow however outlook would be restricted. The amount of outlook is considered similar to dwellings such as typical basement flats and any future occupier would be aware of the glazing beforehand. Therefore the proposal is considered satisfactory in this regard.

S.106 contributions and affordable housing

- 10.49 The NPPF sets out in paragraph 50 that where there is an identified need for affordable housing, this should be met on site. However the scheme provides no net increase in units. The threshold for affordable housing provision in the current Local Plan is provision of 10 units; as the scheme maintains the existing number of dwellings it would not trigger a requirement for affordable housing in line with the requirements of Core Policy 6 (4).
- 10.50 KCC Economic Development have sought developer contributions. Again, the scheme does not result in a net increase in dwellings so they cannot be pursued in this instance.

Other matters

- 10.51 The proposal is for an extension to an existing building with no additional hard surfacing proposed. Therefore it would not be reasonable or proportionate to require details of surface water drainage by condition. Pre-existing issues with water run-off from one property to another are civil matters.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

- (1) The works 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

WD 05D Proposed Ground and First Floor Plans
WD 06B Proposed Second Floor Plan
WD 08C Proposed Site Plan
WD 11C Proposed Elevations
WD 12C Proposed Elevations
Arboricultural Method Statement 17/06/22
Tree Protection Plan Arbtech TPP 01

Reason: To clarify which plans are approved

- (3) Notwithstanding the submitted drawings and prior to the commencement of development above ground level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Photographic examples of external materials, including source and type;
- b) Full detail typical section and elevation drawings of window architraves, eaves, ridge, parapet and string courses;
- c) Elevation and section joinery details at 1:5 or 1:10 scale including details of materials and finish.

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the setting of the Conservation Area

- (4) A landscaping scheme for the site (which shall include a combination of entirely new planting and retention of existing planting) shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development.

Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written permission to any variation.

Reason: In order to protect and enhance the amenity of the area

- (5) The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained before the development hereby approved is occupied and shall thereafter be retained for the use of the occupiers of, and visitors to, the premises. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and 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 or garaging of vehicles is likely to lead to parking inconvenient to other road users

- (6) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the approved Tree Protection Plan and the approved Arboricultural Method Statement. Such tree protection measures shall remain throughout the period of construction
 - (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
 - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

- (7) The development shall be carried out in strict accordance with the approved Arboricultural Method Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect trees on site and to protect and enhance the appearance and character of the site and locality

- (8) The approved bicycle and refuse storage facilities shown on drawing 4421.WD.08C shall be provided prior to the first occupation of the development hereby approved and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of promoting sustainable travel. To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (9) Before the first occupation of Flat numbers 4 and 5 (as labelled on approved drawing 4421.WD.05D) hereby permitted the windows at first floor level shown to be obscure glazed on drawing numbers 4421.WD.05D shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent) up to 1.8m from the internal floor level adjacent to the window.

The bottom pane of these windows shall be fixed shut except for any top hung light. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be permanently retained as such.

Reason: In the interests of the residential amenities of adjacent dwellings

- (10) Notwithstanding the submitted plans and details, prior to the commencement of above ground development details of electric vehicle (EV) charging points (including passive provision for spaces not served by EV charging points) to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the EV charging points thereafter retained.

Reason: In the interests of promoting emission-free car use and to achieve sustainable development.

- (11) Notwithstanding the submitted plans and details, prior to the first occupation of Flat numbers 4 and 5 (as labelled on approved drawing 4421.WD.05D) full details of the

roof light modesty screens shown on drawing number 4421.WD.06B shall have been submitted to and approved in writing by the Local Planning Authority and shall have been installed in accordance with the approved details. The modesty screens shall thereafter be retained.

Reason: In the interests of the residential amenities of future occupiers of the development

INFORMATIVES

- (1) As the development involves demolition and/or construction compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.