

REPORT SUMMARY

REFERENCE NO - 23/00857/LAWPRO			
APPLICATION PROPOSAL Lawful Development Certificate (Proposed) - Proposed dropped kerb to enable access to the front garden			
ADDRESS 65A Ringden Avenue, Paddock Wood, Tonbridge, Kent, TN12 6EF.			
RECOMMENDATION GRANT (please refer to section 11.0 of the report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">The proposal is deemed to comply with the requirements of Classes F of Part 1, and B of Part 2, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The works therefore constitute permitted development.			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL The following are considered to be material to the application: Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A Net increase in numbers of jobs: N/A Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A The following are not considered to be material to the application: Estimated annual council tax benefit for Borough: N/A Estimated annual council tax benefit total: N/A Estimated annual business rates benefits for Borough: N/A			
REASON FOR REFERRAL TO COMMITTEE Part of the application site (the pavement within Ringden Avenue) is owned by Tunbridge Wells Borough Council.			
WARD Paddock Wood West	PARISH/TOWN COUNCIL Paddock Wood Town Council	APPLICANT Mr Luke Buckland AGENT	
DECISION DUE DATE 28/07/23	PUBLICITY EXPIRY DATE N/A	OFFICER SITE VISIT DATE 23/06/2023	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
14/504930/FULL	Erection of one 4-bed detached dwelling house	Granted	12/05/2023

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a two-storey detached dwelling, with plain brick at ground floor level and tile hanging above. A two storey outside extends from the western side of the building and consists entirely of plain brick.

- 1.02 The property occupies a corner plot at the junction of Ringden Avenue and Goldings and benefits from parking for two vehicles to the rear, accessible from Goldings.
- 1.03 The surrounding area generally is generally characterised by semi-detached and terraced dwellings. This property appears to be the only detached example within the immediate area.

2.0 PROPOSAL

- 2.01 This application seeks a Lawful Development Certificate for the installation of a dropped kerb and associated hardstanding between the principal elevation and the public highway of Ringden Avenue, replacing the front lawn. The new driveway would be surfaced with permeable resin.
- 2.02 The existing telephone pole would be unaffected by the proposed works.

3.0 SUMMARY INFORMATION

Dropped Kerb	
Width	5.52m
Hardstanding	
Surface Area	43.83m ²

4.0 RELEVANT PLANNING CONSTRAINTS

The site is not in a Conservation Area or the High Weald Area of Outstanding Natural Beauty (known as Article 2(3) land).

5.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework 2021 (NPPF);
- National Planning Practice Guidance (NPPG);
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6.0 LOCAL REPRESENTATIONS

- 6.01 None

7.0 CONSULTATIONS

- 7.01 There is no legislative requirement for consultation on these types of application. The only matter under consideration is whether the proposal constitutes “permitted development”. However, the following comments have been received in response to this application;

Paddock Wood Town Council (21/06/2023):

“The Town Council has concerns that access on and off the drive could be difficult due to the relationship with Fuggles Close, Goldings and Tutsham Way, as well as the layby in front of nos: 67 – 69”

8.0 APPLICANT’S SUPPORTING COMMENTS

- 8.01 None

9.0 BACKGROUND PAPERS AND PLANS

Application Form;
Site Location Plan;
Proposed Dropped Kerb Plan;
Site Plan;
Email dated 26/06/23 regarding surfacing materials

10.0 APPRAISAL

10.01 This application is for a Lawful Development Certificate (proposed) to determine whether or not the proposed driveway and dropped kerb amount to 'permitted development' pursuant to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and therefore do not require planning permission from the Local Planning Authority. As such, whilst the comments of the Town Council are noted, the normal planning considerations concerning highway safety, residential amenity, or visual impact are not determinative matters here.

10.02 Permitted development rights under Classes A, B, and E of Part 1, and Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 have been removed under Condition 6 of planning permission 14/504930/FULL. The addition of hardstanding is subject to Class F of Part 1; and dropped kerbs are subject to Class B, Part 2, both of which remain intact. As such, this proposal can be assessed under an application for a Lawful Development Certificate.

10.03 This application forms two parts. The proposed hardstanding needs to be assessed against the criteria of Class F, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

Class F	Criteria met?
F.1	
(a) Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).	Complies (the existing dwelling is purpose built and not a change of use)
(b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	Complies (purpose built dwelling not subject to Part 20 of the GPDO)
F.2	
(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and	Complies
(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres Either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.	Complies (43.83m ²) Permeable materials confirmed via email dated 26.06.23

- 10.04 The dropped kerb will need to be assessed against the criteria as set out under Class B, Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Class B – means of access to a highway	Criteria met?
B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).	Complies (carried out in connection with hardstanding under Class F as above). Ringden Avenue is not a classified road.

SUMMARY

- 10.05 Permitted development rights under Classes F or Part 1, and B of Part 2 are intact.
- 10.06 The proposed hardstanding complies with the requirements of Class F, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 10.07 The proposed dropped kerb complies with the requirements of Class B, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Other matters

- 10.08 A separate, additional application is likely to be required to be made to KCC Highways to construct a new vehicular crossover across the pavement. This is because it forms part of the public highway. Landowners wishing to gain access to their properties from the public highway are required to apply for a licence to drop the kerb from KCC. This is a process over which TWBC has no control or jurisdiction; it is entirely separate from a Lawful Development Certificate application to be determined under the Town and Country Planning Act 1990 (as amended).

11.0 RECOMMENDATION – GRANT, for the following reasons;

1. The proposed driveway is considered to be permitted development by virtue of Class F, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The proposed dropped kerb is considered to be permitted development by virtue of Class B, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

INFORMATIVES

1. The following plans and documents were taken into consideration in reaching this decision:
 - Application Form;
 - Site Location Plan;
 - Proposed Dropped Kerb Plan;
 - Site Plan;
 - Email dated 26.06.23.

Planning Committee Report
19 July 2023

Case Officer: James Taylor

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