

Our Ref: KLW/18/169

Planning Department
Town Hall
Mount Pleasant Road
Tunbridge Wells
TN1 1RS

Date: 8th January 2024

Dear Sir or madam

REF: Retrospective application to regularise minor changes in the floor layout for plot 1, attaching an arresting bar to first floor windows in north elevation, retention and reinforcement of beech hedge planting, retain existing fence and gate and use of pea shingle to surface of adjacent car parking area (plan BP22306-02 Rev C). Variation of conditions 20/00070/FULL MALUS COTTAGE, CHURCH ROAD, LAMBERHURST

Background

Malus Cottage is a new detached residential dwelling located at Court Lodge in Lamberhurst. It was built to fund restoration works at Court Lodge under application reference TW/20/00070/FULL. The property is now complete and owner occupied. The changes in window details and external lighting were approved under 23/02381/FULL. This was secured via amendments to conditions.

On a recent site visit the planning officer noted several further issues that needed to be regularised. These included:

- The windows at first floor level in the north elevation were not fixed shut as per condition 21 of 23/02381
- The surface of the parking area was not appropriately finished
- The internal floor layout was slightly altered from that which was approved under 20/00070 and included changes to the bedroom and bathroom and the position of the kitchen.

Given the nature of the changes, variation/amendment of conditions is considered the most appropriate route as it requires the substitution of plans. The scale of the changes is minor but material.

Planning Issues

Condition 2 – during construction some minor changes were made to the internal floor layout. The external window changes have been regularised previously but this application seeks to amend the floor layouts. The proposed plan 180168-P-350 D is to replace 180168-P-350B as it relates to the cottage floorplans. It shows the new lighting as previously agreed.

Condition 4 – the car park area comprises MOT 1 and it is proposed to introduce a pea shingle covering as is the case with other properties nearby. Plan BP22306-02 Rev C includes the annotated details and the condition is requested to be amended to refer to the implementation of this plan, including the reinforcement of the planting around the car park area.

Condition 25 – the current condition requires fixed windows and obscure glazing to prevent overlooking.



Instead it is proposed to fit an arresting bar to control the ability to open the already obscure windows and to aid ventilation. The condition can be amended to refer to the implementation of Plan 180168-P-350 D.

Main Issues

The proposals relate to a new dwelling and the garage parking area to the south. The construction of the new dwelling and its curtilage has already been assessed against various planning policies and the purpose of the application is to regularise some matters which have not been implemented as per the approved plans. Given the nature of the changes, conditions can be amended to regularise these issues.

The floor plans result in only minor internal changes. New windows position have previously been regularised and so this change results in no significant difference.

Currently the area in front of the garage is MOT 1/ scalplings. The proposals are to amend the relevant condition to accept peas shingle as a surface material as it the case elsewhere. In addition, the planting the edge of the car park includes additional beech hedging and this is annotate on the plans. Beech hedging is common place locally and therefore in character.

Condition 25 seeks to fix the first floor window in the north elevation, the level of obscurity and in general prevent overlooking. The window is obscure glazed but is side hinge opening. One of the occupiers is elderly with dementia and ventilation to the bathroom is necessary. A solution to this is an arresting bar fitted externally to prevent the window opening more than 15cm. This would serve the same purpose as the intention of the current condition. It would be enforceable and would be no less enforceable than the current arrangement.

Yours sincerely


Martin Hull MRTPI
Kember Loudon Williams Ltd