



Templar Consultants

Expert Witness Supporting Statement

Planning Application

31A Coutts Avenue Shorne Gravesend Kent DA12 3HJ

Supporting Statement to Planning Application for No. 31A Coutts Avenue Shorne Gravesend Kent DA12 3HJ

(Application Reference: 20251027)

Regulated by the Royal Institution of Chartered Surveyors (RICS) Adam Mazalla-Tomlinson MRICS is a Chartered Surveyor, Registered Valuer and Barrister Independent of Chambers, Banks and Property Agents RICS Chartered Registration No. 0828116 RICS Company Registration No. 037621 VAT Registration No. 765 0275 27

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INTRODUCTION

This report has been prepared solely for the benefit of the named client. No liability is accepted to any third party.

I have now presumed this matter will progress to a planning officer for consideration or planning committee and or alternative dispute resolution hearing between the adjoining owners, applicants and Local Authority; also, in preparation that it might also enter in a formal dispute resolution process and or court I have adhered to civil procedure rule 35 throughout my consideration of the issues and determining matters.

I understand my duty to a Committee or Tribunal and Court that I must remain impartial and I have complied with the requirements of CPR 35; PD35; the practice direction on pre-action conduct and the guidance issued by the Civil Justice Council for the Instruction of Experts in Civil Claims 2014 and also the guidance published by the Royal Institution of Chartered Surveyors (RICS).

I have no conflict of interest of any kind, other than those which are disclosed within my report and about which I have obtained prior permission to proceed.

Any conflicts noted in my report have not affected my appointment as an expert on any issue on which I have given evidence.

I confirm that my report complies with the requirements of the RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement Surveyors acting as expert witnesses.

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

I am qualified to state my opinion as a Chartered Surveyor (MRICS). I am also a Barrister.

I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.

I confirm that I understand and have complied with my duty as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.

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I confirm that I am not instructed under any conditional or other success-based fee arrangement, and I confirm that I have no conflicts of interest.

Property Address

Supporting Statement to Planning Application reference: 20251027 for No. 31A Coutts Avenue, Shorne, Kent DA12 3HJ with the adjoining property and objection to the applications being primarily in respect of the property.

Parties

The applicant and owner of 31A Coutts Avenue and the adjoining property.

Survey

I personally determined the impact which would arise due to the proposed development application to develop the property as detailed in the application, referenced: 20251027.

I determined the position of the boundary line of junction as agreed in conjunction with the adjoining owner and I was previously involved in the survey of the existing property and boundary line of junction and positioning of trees; hence I am very familiar with the existing property and so have been easily able to determine the facts in this matter and assess accurately the risk of an impact in permitting this development.

I concluded the risk of encroachment or impact to the adjoining owners is fully mitigated and would not occur with the present design now being proposed.

Conclusion

The purpose of this report is to, respectfully, confirm the reasoning why the Local Authority can and should approve the building owners to develop the proposed development.

The proximity of the development causes and would cause a no impact of appearance nor bulk, no appearance of dominance in the street and also cause a no breach of privacy, fundamentally as the property being developed is a on the upper part of the slope from the closest property and is not directly overlooked by any reception rooms in that adjoining property and is concealed by a boundary line of mature trees.

The adjoining house stands at a lower level on the hill than the property being developed – which can clearly be seen on plans submitted, as the mapping shows the front of both houses is at different levels and also set a distance along the flank wall of each property thereby also being shielded by mature trees the proposed extension cannot be directly viewed from the adjoining property unless the adjoining owner is at roof level.

The design of the proposed development to the side projects towards the boundary line with the nearest adjoining property but is set back from the line of junction and does not encroach, even at height.

The distance from the rear elevation and front elevation and with the solid flank wall and no windows looking to that side view there is no loss of privacy to the adjoining property.

The design and risk of bulk and unsightly appearance of such a development does not exist in this instance due to the design features amongst others the reduced height of roof apex design and pitch of the sloping roof areas and so it is respectfully asked, be permitted.

It is also noted the distance of the proposed development, due to the alignment of the properties, means such a proposed development would be no greater impact on the adjoining properties than the existing garage set along that line of junction and so it is respectfully asked for that alignment and positioning to be considered when determining how minimal the proposed development would impact on the adjoining property.

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The appearance of the existing development with the proposed would not cause any bulk in appearance which might have caused a negative visual impact to those adjoining properties, notably due to the design features at roof level.

The right to light of the adjoining property would also not be an issue as there is no loss of the aspect ratio of view from the adjoining property, notably as the proposed extension would not be visible any more than the existing two storey flank wall of the original house or of the roof of the garage.

And so, the basis of those areas of material considerations and approval are primarily as follows:

- No overlooking/no loss of privacy – with the side extension;
- No loss of light nor overshadowing – with the low design and no bulk;
- Existing remaining parking – the capacity of the existing driveway provides sufficient parking;
- No issue of any highway safety – due to the cul-de-sac road design and being at the end of the roadway no issue exists;
- No increase in traffic – due to no increased occupancy rate in the property;
- No increased noise – no additional noise;
- Layout and density of building – the low level extension is not a dense design;
- Design, appearance and materials – causing no detrimental in appearance; and,
- Government policy – as the development is of a low level design concealed by the existing two storey property and positioned at the side of the property and of a sympathetic design the proposed development is compliant with existing planning policy.

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Further considerations are stated as follows, respectfully, and show the development in the locality and previously approved modern dwellings nearby and the applicants property and the rationale in the designs.

I determined parts of the following in discussions with the applicant/owner.

Design rationale

When designing the alterations to 31A Coutts Avenue inspiration was taken from the below charming and characterful property situated on the Ridgeway in Shorne, because of its aesthetically pleasing appearance.

As the property below already exists, the proposed plans for 31A Coutts Avenue would fit in with other characterful properties in the village.

Currently 31A Coutts Avenue features an unusual secondary roof to the front elevation with a Velux in the middle of it, the changes proposed to the property will create betterment and enhance the visual street scene on Coutts Avenue, all the above is in accordance with the local plan.



Flat roof

The rationale behind the flat roof on the back of the property is to obviously gain more usable space within the property with a good head height. The flat roof has been minimised, and it sits at the back of the property so it cannot be seen from the front of the property on Coutts Avenue.

The flat roof has also been disguised as best as possible, with the use of a Jerkinhead style roof and open eaves.

The design will greatly help create a good family sized home with good bedroom sizes; this is also an ambition in the local plan to achieve.

Environmental credentials

Solar panel capacity:

With rising energy costs and increasing awareness of carbon emissions it was felt that a more than reasonable attempt at future proofing the property was required, the roof design on the house and garden room would offer plenty of space for South facing solar panels that also wouldn't be largely visible from the front elevation.

Reducing travel and road congestion and carbon emissions:

The design converts the garage to a garden roof that can be used as a working from home office for two people thus reducing home to work travel and in turn road congestion and carbon emissions.

The garden room also offers residents of the property in the future working at home space to be entrepreneurial and start their own business; again, the above points are targets in the local plan.

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Flat roof precedent

The adjoining owners have set a precedent in recent years by building flat roof designs as shown below.

No. 25 – 27 Coutts Avenue were given permission in 2021 for a flat roof, but the flat roof can be seen from the front of the properties on Coutts Avenue, as per the below photos.

Both properties offer less architectural merit, detail and flair to the street scene of Coutts Avenue than the design for No. 31A.



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There are also two properties on Green Farm Lane (on the former site of “Daymer”), that are semi-detached and have flat roofs, as per the ariel photo below, permission was granted in 2019.

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The flat roofs can be seen from Greenfarm Lane and the Gravesend Road as per the photo below:



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Photo above shows the existing garage and trees along the boundary line and the proposed development would not overlook the adjoining property.

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The trees continue to the front edge of the properties and conceal the proposed development.

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Photo above shows the garage with the trees, bushes and shrubs of the adjacent property overgrown in the background.

Statement of Truth

This Report is for the sole use of the party to whom it is addressed and should only be used within the context of the instructions under which it is prepared and these assumptions. It may be disclosed to other professional advisers however no responsibility is accepted to any third party for the whole or any part of its contents.

I understand that my overriding duty is to the Tribunal, including planners and a Court or an alternative assessor in a dispute resolution process, such as Adjudication, and I have complied with that duty. I am aware of the requirements of CPR Part 35, its practice direction and the CJC Guidance for the instruction of experts in civil claims.

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

A handwritten signature in black ink, appearing to be 'AMT', written over a horizontal line.

Adam Mazalla-Tomlinson
Chartered Surveyor (MRICS)
Registered Valuer
Barrister

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My CV

Adam Mazalla-Tomlinson BSc(Hons) PGDip Law PGDip PGDip MRICS Chartered Surveyor and Barrister (Called to the Bar 2004)

Adam Mazalla-Tomlinson is an Unregistered Barrister for the purpose of providing some legal services; see a full explanation of the Bar Standards Board Regulations at the following online link:

https://www.barstandardsboard.org.uk/media/787993/guidance_for_unregistered_barristers_barristers_without_practising_certificate_-_supplying_legal_services_and_holding_out_november_2017.pdf

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Regulated by the RICS
Chartered Surveyor and Registered Valuer

Academic qualifications

BSc (Hons) Building Surveying Degree

Postgraduate Construction Law and Arbitration Diploma

Postgraduate Law Diploma

Postgraduate Legal Skills and Practice Diploma (Bar Vocational Course Diploma (BVC))

Professional qualifications and membership

Chartered Surveyor - Member of the Royal Institution of Chartered Surveyors (MRICS) Barrister of the Honourable Society of the Middle Temple