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<b>Platt</b>	<b>561841 155521</b>	<b>21.03.2005</b>	<b>TM/05/00891/FL</b>
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Borough Green And  
Long Mill

Proposal: Detached house and garage  
Location: Land Adjoining The Chequers P H Long Mill Lane Crouch  
Borough Green Sevenoaks Kent TN15 8QA  
Applicant: Mr And Mrs Lamb

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## **1. Description:**

- 1.1 It is proposed to erect a 6 bedroom house. An integral double garage is also proposed and a single storey projection to the rear.
- 1.2 The main dwelling will measure approx 16m by 8.6m (52.5 ft by 28 ft). The garage element will project to the front and measures approx. 7m by 9m. The roof pitch is shown as 40 degrees. The main ridge height is 9m (29.5 ft) with the garage height being 6.2m.
- 1.3 One dormer window and a feature gable are on the front elevation and two dormer windows are proposed on the rear elevation.
- 1.4 The main dwelling is shown to be sited 9.3m (30.5 ft) from the southern boundary and 3.7m (12 ft) from the northern boundary.
- 1.5 A new centrally sited vehicular access is proposed.

## **2. The Site:**

- 2.1 The application site is an area of rough grass with some trees. Part of the site comprises land previously within the garden of the Chequers PH. The site is on the western side of Long Mill Lane with the Chequers PH to the north and a Grade II listed building, Moorlands Cottage to the south.
- 2.2 There is an existing access to Long Mill Lane in the SE corner. The remainder of the frontage comprises an overgrown mixed hedge. The southern boundary to Moorlands cottage comprises a line of mature Beech trees. The northern boundary to the Chequers PH is a 1.8m close boarded fence. This close boarded fencing also continues beyond the rear (western) boundary.
- 2.3 The application site is 0.13ha (0.32 acres) in area and is generally rectangular and measures approx. 47m in depth and 29m in width (154 ft by 95 ft). A strip of land at the rear measuring 9m(29.5 ft) in depth is owned by the applicant but is lawfully agricultural land and outside the settlement boundary and is therefore excluded from the area shown to be proposed as residential curtilage. This strip of land is separated from the farmland to the rear by close board fencing as mentioned above.

2.4 The farmland to the rear is in the MGB and in an SLA. It slopes down from NE to SW and consequently, the application site is on the top of the ridge and therefore visually prominent from surrounding countryside which includes a PROW.

### **3. Planning History:**

3.1 TM/97/00334/OA Approved 17.04.1998  
Outline application for one detached dwelling with garage.

3.2 TM/03/00327/OA Approved 07.05.2003  
Outline Application for the construction of one detached house.

3.3 TM/04/00249/FL Refused 18.03.2004  
Change of use of agricultural land to garden.

3.4 TM/04/04166/FL Withdrawn 25.01.2005  
Detached 6 - bed house and integral double garage.

### **4. Consultees:**

4.1 KCC (Highways): This application is similar to the previously withdrawn application TM/04/04166/FL to which no highway objections were raised. The amendments relate solely to the design of the house.

4.1.1 The submitted plans show proposals for a new six-bedroom house being provided with off street parking to accord with the maximum requirements of KCCVPS along with on site turning.

4.1.2 The new access is shown located centrally to the site. The drive is shown to have a rolled gravel finish. This will need to be a bound rolled finish in order to prevent loose material from being dragged out onto the public highway. No gates are indicated. If they are to be provided then they will need to be set back a minimum of 5.0m from the boundary with the gates opening inwards. The plan shows proposals for a wide-open entrance. It is required that forward vision of 'x' distance 2m, measured from the channel line up the centreline of the proposed drive x to the limits of the application site in both directions. Nothing within this area to be higher than 1.05m above the level of the adjacent carriageway.

4.1.3 The applicant is to be advised to consult with the highway manager regarding his requirements for the vehicle crossing. I would raise no objections subject to the above and suggest a number of conditions and that surface water from the site shall not be discharged onto the public highway.

4.2 DHH: Fence needed to boundary with Chequers PH to reduce noise disturbance to ground floor flank windows.

4.3 PC: Objection (summarised). There is only a marginal improvement in the front elevation of the proposal which still exhibits a much greater height and bulk than other properties in the area. All the properties opposite are a full storey lower with rooms in the roof. Concern on highway safety as access is on a pinch point in Long Mill Lane, there are limited sight lines in both directions and the access is opposite another property access. Whilst trees to be removed are not significant when viewed from the highway, a greater definition of these trees will be appreciated.

4.4 Private Reps + Art 8 Site notice (8/0S/3R/0X): Three letters has been received with objections summarised as follows:

- Design and height and number of floors of accommodation is too great.
- The land level is also higher than Moorlands Cottage, it will be visually intrusive in a small rural hamlet.
- Site is clearly visible from the public footpath crossing the field at the rear and from neighbouring gardens.
- Sited immediately next to a beautiful listed building, Moorlands Cottage and will dwarf and detract from it and be unsympathetic to its surroundings.
- Too close to boundaries and encroach on neighbouring privacy from dormer windows.
- Access will be difficult as lane is too narrow.
- Removal of conifers will increase visibility of the new house; the existing trees are an attractive feature and should be protected- some tree felling and pruning has recently been carried out.
- Part of the site is Green Belt but this is not clear from the application.
- Existing 1.8m high close-board fence around the garden is totally inappropriate in the rural setting.
- Materials must be specified to the fullest extent at this stage.
- The outline planning was for a modest 4- bed house with 117 sq m footprint not a bulky 6-bed house with a 290 sq m footprint.
- Land at the rear refused planning permission for non-agricultural use and should be discounted in determining the land available.

**5. Determining Issues:**

- 5.1 The application site is totally in the rural settlement of Crouch which is identified by Policy P6/1 of the TMBLP as an area where minor residential development such as infilling is appropriate. The previous outline planning permissions from 1998 and 2003 also establish that the principle of a residential unit on this site is acceptable.
- 5.2 The rearmost section of the land owned by the applicants is in the Green Belt but is not included in the area of the application and therefore has not been taken into account in determining the area of land available for this development.
- 5.3 There are no highway objections to the development and the proximity of the proposed dwelling to a Public House is not considered to be a concern in nuisance terms subject to a boundary fence as recommended by the DHHO. The proposed siting of the dwelling and the separation to neighbouring dwellings is such that there will not be any residential amenity harm or overlooking in my opinion.
- 5.4 The main issues which remain are whether the proposal complies with TMBLP Policy P4/11 in relation to whether the development harms the particular character and quality of the local environment. In addition, strategic policies RS1 of the KSP and QL1 of the deposit KMSP both require new development in rural settlements to respect the character of the settlement by appropriate scale, layout pattern and locally distinctive character.
- 5.5 Policy P4/1 must be considered as the site is next to a listed building: the policy presumes against development which could adversely affect the setting of a listed building. Policy P3/6 of the TMBLP relates to SLAs but is confined to development within them and therefore is not directly relevant to this application which is adjacent to but outside the SLA.
- 5.6 It is certainly the case that the proposed dwelling is relatively bulky and is larger in terms of footprint and width than envisaged in the granting of the extant outline planning permissions, although the height would be similar to that previously permitted assuming a similar roof pitch. Members are advised that the use of the roof void as an additional floor of accommodation has not been achieved by an artificially high pitch as a roof pitch of 40 degrees is normal for this style of house and in-keeping with the locality.
- 5.7 Members may recall that planning permission TM/03/00327/OA contained a condition restricting the reserved matters application to a dwelling under of 117 square metres in footprint and two storeys in built form.
- 5.8 However, the site been increased in width from approx. 18 m (59 ft) to approx. 29m (95 ft) due to the inclusion of additional land from the Chequers PH and accordingly a commensurately larger dwelling is now proposed. The additional land allows the dwelling to be sited 9.4m from the common boundary to the listed

cottage whereas the side space approved by TM/03/00327/OA was only 3m. Members may agree that the size of the enlarged plot is such that the footprint of the dwelling now proposed does not amount to overdevelopment that would justify refusal.

- 5.9 In terms of the effect on the adjoining listed building, the new dwelling will be sited 9.4m (30.75 ft) from the common boundary and 25m (82 ft) from the listed cottage itself. Intervening is the garage to Moorlands Cottage and a substantial line of mature beech trees on the common boundary. I am therefore of the opinion that there is no significant effect on the setting of Moorlands Cottage.
- 5.10 The remaining issue is whether the dwelling proposed is in character with the locality which includes an SLA.
- 5.11 The material to be used are shown to be facing brickwork with feature dentil coursing, areas of hanging tiles and oak posts within the feature gable. The roof is shown to be of plain clay tiles. Subject to a condition on materials, I am of the opinion that the design and appearance will be in character with the locality.
- 5.12 Following the withdrawal of TM/04/04166/FL, officers suggested to the applicant that the proposal needed to be less bulky and to better reflect the vernacular characteristics of Crouch for example by more articulation to the building and roof and lowering of the height. He was reluctant to do so because he did not want to compromise on the level of accommodation provided. Hence, as highlighted by the PC, only minor changes to the appearance have been made: the roof pitch is lowered, reducing the overall height by 800mm, the location and number of dormer windows have been altered and the feature gable had been widened in an attempt to increase articulation and interest to the front elevation.
- 5.13 Whether the size and appearance of the dwelling now proposed will be in character with the locality is a subjective matter. It is the case that the proposed dwelling will be considerably larger and bulkier than both neighbouring properties. Furthermore, the siting of the dwelling will mean that its width, height and rear dormer windows will be prominent when viewed from the adjoining SLA/MGB which includes a PROW. However, Members are reminded that other dwellings on the southern side of Crouch Lane are already prominent at this edge of the settlement.
- 5.14 I am of the view that, on balance, the proposal is acceptable. There should however be conditions imposed to mitigate harm to the locality. In particular, the strip of agricultural land owned by the applicant and bounded by domestic close board fencing needs appropriate landscaping and boundary treatment more suited to its sensitive setting at the edge of the SLA and MGB.

**6. Recommendation:**

**6.1 Grant Planning Permission** as detailed by drawings HAR/03/390/01B;02A;03B subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (Z001)

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. (D001)

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

- 3 No development shall take place until details of any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. (D006)

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 4 No development shall take place until details of proposed landscaping and amended boundary treatment to the adjoining agricultural land owned by applicant have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details before first occupation of the dwelling and retained thereafter. (D008\*)

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 5 Before development commences on site details of the existing and proposed levels of the site including the floor levels of the building(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual amenities.

- 6 The dwelling shall not be occupied until the new access has been constructed with vision splays of 14m x 2m x 14m within which there shall be no obstruction exceeding 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter. (H002\*)

Reason: To ensure the safe and free flow of traffic.

- 7 Any gateway to the access shall be set back 5.0 metres from the edge of the highway. (H013)

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 8 The access drive shall be surfaced with paviers, tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary.

Reason: In the interests of highway safety.

- 9 The existing access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossing reinstated to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety.

- 10 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. The boundary treatment shall be installed prior to first occupation of the dwelling hereby permitted and shall be retained as approved. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. (L003\*)

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.

- 11 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees 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. (L005)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 12 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years. (L006)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 13 The dwelling hereby permitted shall not be occupied until a close boarded timber fence 2 metres high has been erected along the northern boundary of the site. This fence shall be retained thereafter. (L017\*)

Reason: In the interests of the amenities of future occupants.

- 14 The use shall not be commenced, nor the premises occupied, until vehicle parking space in accordance with the adopted Kent County Council Vehicle Parking Standards has been provided on site. It shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, 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 the reserved parking area. (P007)

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 15 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the northern flank elevation of the building other than as hereby approved, without the prior written consent of the Local Planning Authority. (D013)



Reason: In the interests of the amenities of future occupants.

Informatives:

- 1 You are advised that details pursuant to condition 4 are expected to be sensitive to the setting within the Green Belt.
- 2 With regard to works within the limits of the highway, the applicant is asked to consult The Highway Manager, Engineering Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522. (Q006)
- 3 The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council. To discuss suitable house names you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation. (Q049)
- 4 You are advised that surface water from the site shall not be discharged onto the public highway.

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