
Ightham Ightham	558562 155905	11.07.2005	TM/04/03569/FL
Proposal:	Replacement dwelling		
Location:	The Copse Common Road Ightham Sevenoaks Kent TN15 9DY		
Applicant:	Mr And Mrs Jones		

1. Description:

- 1.1 This application was due to be reported to the Area Planning Committee of 18 May 2005 but was withdrawn from the agenda to enable discussions to take place over an amended siting.
- 1.2 The application relates to the demolition of an existing low rise bungalow with 6 bedrooms (one of which is currently used as a study/office). The existing bungalow has a basement area functioning as a double garage/store and a conservatory.
- 1.3 It is proposed to erect a detached chalet bungalow style dwelling on a lower part of the site. This will also have 6 bedrooms of which one is designated for an elderly relative and another bedroom is designated for her live-in carer.
- 1.4 The new dwelling will have a width of 25.5m (83.5 feet) and a depth of 8m(26 feet) with two projecting front gables of approx. 2.5m in depth (scaled from the submitted drawings). The existing bungalow has a width of 25m and an average depth of 7m with one projecting gable.
- 1.5 The height from ground level to ridge is shown as 7.7m (25 feet). This compares to 4.8m (15.5 feet) as existing. The agent has submitted a section drawing that demonstrates that the relative ridge heights will be identical due to the siting of the new dwelling on a lower part of the site and deletion of the basement area.
- 1.6 The dwelling is shown on the latest drawing to be sited 13.5m (44 feet) from the eastern boundary and 5m (16 ½ feet) from the western boundary.
- 1.7 The application did originally comprise a remodelling/extension of the existing bungalow in situ but this has been revised to a re-build on a lower part of the site. The application also originally included a detached double garage/store with playroom in the roofspace but this has now been deleted from the application.
- 1.8 The siting will involve the loss of a number of trees: a birch tree, 1 oak with trunk damage (an occluded wound) and a group of 3 suppressed oaks. Three important remaining oaks on the eastern boundary are to be retained.

- 1.9 The agent submitted a supporting letter which states that (summarised)

The proposal represents a significant improvement in the appearance of the existing property because the existing house makes no contribution to the area or the Green Belt. The applicants' elderly relative is in a care home and it is intended that she will move in with them where she could be more satisfactorily cared for.

2. The Site:

- 2.1 The site is within the AONB and MGB and Ightham's ASC.
- 2.2 The access from Common Road is a private drive shared by a number of other detached dwellings.
- 2.3 The application comprises a relatively large residential garden with the existing bungalow sited at the northern side (rear) which is the highest part of the site. The northern, eastern and western boundaries are relatively well screened by mature trees, which are within a woodland TPO made in 1960.
- 2.4 The neighbouring properties are residential and comprise large dwellings in relatively extensive grounds.

3. Planning History (relevant):

- 3.1 TM/04/02580/FL Withdrawn 09.09.2004
Extensions to bungalow including new roof with rooms in the roofspace and detached two storey outbuilding for double garage and one bedroom annexe.
- 3.2 TM/86/0724 Granted 10.07.1986
Extension at side.
- 3.3 MK/4/67/104 Granted 21.06.1967
Erection of a bungalow and garage.

4. Consultees:

- 4.1 PC: (comments on original proposal): Object as property lies within the Green Belt, a Special Landscape Area and Area of Special Character and the proposed works are not modest in scale.
- 4.2 The PC was consulted on the revised scheme and commented that: there remains a concern with the increase in the volume of the new house (approx. one third) but the deletion of the garage/playroom does modify our view. Providing there are conditions of approval that any additional structure on the site is unlikely to be approved and that a landscaping plan is submitted for approval, we no longer object.

- 4.3 Any further comments from the PC on the revised siting will be included in a supplementary report.
- 4.4 KCC (Highways): No objection.
- 4.5 KCC (Archaeology): Due to siting within AAP and within 200m of a Scheduled Ancient Monument, a condition for a programme of archaeological work is suggested.
- 4.6 Private Reps: Article 8 Site notice + (19/4S/0X/7R). Three neighbours have objected to the originally submitted plans as follows:
- Contrary to numerous local and structure plan policies.
 - Incorrect site plan so property is nearer the boundaries than implied.
 - They have incorrectly cited extensions to Camomile House as a precedent.
 - Loss of privacy due to extensive areas of glazing and windows.
 - Extensive areas of glazing and windows will mean area is lit up in winter.
 - It will be in full view of neighbouring property especially as trees on the boundaries will lose their leaves in the winter.
 - The property has already been significantly extended and should not be significantly extended again.
 - There are rules which govern the overdevelopment of sites.
 - The amenities of the Copse are not suited to such a large property.
 - Construction traffic will damage trees and wildlife on the shared private drive.
 - Noise during construction.
 - Out-of-keeping with AONB.
- 4.7 Three neighbours support the development, comments as follows:
- The revised drawings show acceptable changes.
 - The new property will look much more attractive than the existing unsightly bungalow.
 - Well secluded development that does not threaten the environment or AONB.
 - Progress in Ightham is inevitable and this development will be carried out in a considerate and thoughtful manner.

- Many properties in the locality have been vastly extended and some have more than doubled in size.
- Doubt archaeological importance of the site as no Roman relics have been found locally.
- The extensions are very much preferred to a rebuilding in terms of the disturbance and the amount of construction traffic that will result.

4.8 Any responses to the revised siting will be included in a supplementary report.

5. Determining Issues:

5.1 The site is within the Green Belt and Policy MGB3 of the Kent Structure Plan, Policy SS9 of the KMSP and Policy P6/10 of the Tonbridge and Malling Borough Local Plan 1998 all allow increases in the size of replacement dwellings, provided such increases are limited in scale.

5.2 Members are reminded that Green Belt policies require replacement dwellings to be considered on their merits, but they must, in PPG2 terms, not be materially larger than the existing dwelling being replaced.

5.3 In this particular case, the fact that the original bungalow has been significantly extended in the past (as mentioned by some of the objectors) is not relevant. The assessment of this proposal for a rebuild is judged against the dwelling as presently exists (as specified in PPG2).

5.4 The new dwelling will be sited on a lower part of the site and there is no longer a basement area nor conservatory. The relative ridge heights of existing and proposed are shown to be identical and its visual impact will therefore not be markedly increased in my opinion, subject to the imposition of a condition on levels.

5.5 Whilst the new dwelling will have a second floor of accommodation, this is largely contained within the roofspace albeit with a steeper pitch of 45 degrees compared to the 20 degrees of the existing property.

5.6 The new dwelling will have a similar footprint to the bungalow to be replaced.

5.7 Whilst appearance is a subjective matter, Members may agree that the design of the new dwelling will be more attractive and coherent than the bungalow that currently exists on the site due in part to the introduction of a steeper pitch, more articulation to the front elevation and the incorporation of feature double height glazed front gables. In this respect I consider the proposal a positive benefit for the AONB and ASC compared to the existing. I consider that this is a material benefit that offsets any concern at increased volume in the Green Belt in this case.

- 5.8 In terms of Policies P6/10 and P4/11 of the TMBLP, the scale, siting design and form of the revised scheme are considered to be acceptable.
- 5.9 Policy P4/11 of the TMBLP also relates to protecting neighbouring amenities. There is not considered to be any harm to neighbouring residential amenities as the separation between the new dwelling and neighbouring dwellings will be far in excess of standards within Kent Design.
- 5.10 In terms of tree loss, Policy P3/8 of the TMBLP requires replacement planting and also that new buildings should not be sited in relation to trees so that there is future pressure for their subsequent removal. I have no reason to question the findings of the applicants' submitted tree survey in terms of the trees that are either over mature, damaged or suppressed. Nevertheless, the siting of the dwelling has been altered at officers' suggestion as the three important oak trees on the eastern side of the site would have been too close to the house as previously sited giving a risk of subsequent pressure for removal. In the revised siting, these oak trees are considered to be a satisfactory distance from the footprint of the building, subject to submission of construction details for the foundations. Replacement planting is required by the suggested landscaping condition below.
- 5.11 In terms of remaining issues, the dwelling will be larger than the existing dwelling but, in my view, the proposal is not overdevelopment and does not harm the AONB or ASC bearing in mind the large size of the plot and the relatively good screening that will remain.
- 5.12 Members will note that the application includes an area of accommodation directly related to a stated intention to accommodate an elderly relative and her carer. I would remind Members that personal circumstances are not normally relevant to the determination of planning applications but that the applicants are submitting this aspect of the proposal to be a "very special circumstance".
- 5.13 During the processing of this application and the previously withdrawn application, the agent has claimed that there are numerous examples in the MGB around Ightham of inconsistencies in the application of Green Belt policies. This is not accepted and in any event cases must be considered on their individual merits.
- 5.14 On balance, I am of the opinion that whilst the replacement dwelling is larger than the bungalow to be replaced, the design and siting of the proposal comprise mitigating elements such that there is no significant harm to the MGB.

6. Recommendation:

6.1 **Grant Planning Permission** as detailed by email dated 11.07.05 (tree works); tree survey date stamped 13.06.05 and drawings 506.100;101;102;106;110;111; 112;113;003H;300D;301D;306D;310E;311E;312E;313E and 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 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (L002)

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.

4 The existing dwelling shall be demolished within one month of the first occupation of the new dwelling hereby permitted, if not demolished previously, and all arisings therefrom shall be removed from the site. (B002)

Reason: To prevent the erection of an additional dwelling in an area where it would not normally be permitted.

5 No development shall take place until details of existing and proposed levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

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

- 6 No development shall take place until details of the method of construction for foundations on the eastern flank have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

Reason: To ensure that the development does not harm the long term health and stability of trees to be retained.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001)

Reason: In the interests of the protection of openness of the Green Belt.

- 8 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 submitted scheme shall include details of trees to be planted as replacements for those trees, covered by Tree Preservation Order, that are to be removed as part of this development. 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.

Informatives:

- 1 You are advised that construction traffic using the private access to the site should not be allowed to damage that access or impede its use.
- 2 You are advised that any works to trees not directly in the footprint of the development hereby permitted will need to be subject of separate TPO consent.
- 3 You are advised that trees on the shared drive may need to be crown lifted to avoid damage by construction traffic. This will need separate TPO consent.
- 4 You are advised that due to the siting within the Green Belt and the relative size of the dwelling hereby permitted compared to the original, the Council is unlikely to look favourably upon further extensions or large outbuildings.

Contact: Marion Geary