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**Report from 11 January 2006**

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<b>Mereworth (Mereworth)</b> Hadlow, Mereworth And West Peckham	<b>565956 154614</b>	<b>11.01.2005</b>	<b>TM/05/03274/OA</b>
Proposal:	Outline Application for demolition of existing dwelling and construction of two detached dwellings		
Location:	Baytree House 171 Butchers Lane Mereworth Maidstone Kent ME18 5QG		
Applicant:	Mr R W Stevens + Mr K P Murphy		

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**1. Description:**

- 1.1 It is proposed to demolish the existing dwelling and to erect 2 new dwellings. A central shared access to Butchers Lane is proposed.
- 1.2 All matters except the means of access are reserved for future consideration. Originally the application did specify 2 no. 5 bed roomed houses with integral double garaging and gave the proposed floor areas and siting. However, these details are no longer formally submitted for determination at this stage although a illustrative siting is submitted to give some indication of the proposed spacing and site coverage.
- 1.3 Contrary to the details on the application form, it is apparent that conifers on the frontage and a tree in the rear garden will need to be removed.
- 1.4 The site area is 0.12ha, giving a density of 17 dwellings per ha.

**2. The Site:**

- 2.1 The site is that of a 19th century detached dwelling set in a large plot. The existing dwelling is sited to the front of the site, some 3m from the edge of Butchers Lane. The site frontage is iron railings and mature conifers.
- 2.2 The application site is set on the inside of a gentle bend to Butchers Lane. There is no footway along the Lane at this section. The existing vehicular access to Butchers Lane is at the southern end of the plot frontage.
- 2.3 To the north is a low rise bungalow set close to the common boundary and with 2 flank windows facing the application site.
- 2.4 To the south is a bungalow with a flat roofed side extension set some distance from the application site. There is 2m high fencing and a row of conifers along the common boundary.
- 2.5 Opposite are chalet bungalows.

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### 3. Planning History:

- 3.1 TM/05/2279/OA Refused 26.09.05  
Outline Application for demolition of existing derelict dwelling and construction of two detached dwellings with integral garaging.
- 3.2 TM/96/00361/OA Refused 16.05.96  
Outline application for 1 dwelling
- 3.3 TM/95/01463 Withdrawn 07.02.05  
Outline application for 1 dwelling

### 4. Consultees:

- 4.1 PC: Strongly object to the building of 2 no. 5 bedroomed houses on this site. The proposal contravenes P6/1; P4/11 of TMBLP and QL1 of KMSP. The changes reduce the size very little and the change to the design of the north plot still appears detrimental to the neighbouring bungalow.
- 4.2 The PC has been reconsulted on the changes to the application making siting a Reserved Matter and has noted that the application is in outline only but it does not see the standing property as derelict and would like to see it refurbished. However, if the Borough Council is mindful to grant permission for demolition, the PC asks for the "one for one" rule to be applied. Also, to make sure any new development is in keeping with existing properties. The architect should be advised to consider a bungalow or chalet bungalow.
- 4.3 CPRE: Although this dwelling has not been occupied for several years and is in need of considerable renovation, it can in no way be described as derelict. Built during the second half of the 1800's, backing onto open countryside, it is an attractive house with many character features of that period including ornamental iron railings along the road frontage. It is in keeping with 20 or so attractive, although unlisted, period houses in Mereworth. There is no logical justification for the demolition of an attractive building that requires sympathetic renovation. Part of the character of the village would be irrevocably and unnecessarily spoiled.
- 4.4 KCC (Highways): This proposal is similar to a previous application to which there were in principle no highway objections. Comments will therefore be similar. Details of bedroom numbers not shown, however based on previous proposal each dwelling is to have five bedrooms. KCCVPS requires that a maximum of three off street parking spaces be provided, which I would want to see provided in this location. The submitted sketch plan shows the provision of a double integral garage along with additional driveway parking and on site turning. The double integral garage is to be a minimum of 5.6m in length x 5.8m in width, internal dimensions. Surface water from private areas is not to discharge onto the public highway. No gates are shown. If gates are proposed then they must be set back a minimum distance of 5.0m with the gates opening inwards. It is proposed to

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construct a centrally located single shared driveway and scales of more than adequate width. I require that forward vision of 'x' distance 2m, measured from the edge of the road up the centre of the proposed driveway x to the boundary of the application site in both directions be provided. Nothing within these envelopes to be higher than 1.05m above the level of the adjacent carriageway.

4.5 KCC (Highways) has been reconsulted on the changes to the application making siting a Reserved Matter and any further comments will be included in a supplementary report.

4.6 Private Reps: (10/5R/0S/0X). Five letters of objection make comments summarised as follows:

- Little has changed since previous refusal, so policies RS1; QL1. P6/1 and P4/11 still breached and previous objections not addressed.
- The property should not be classified as derelict and this should not be the reason for it to be demolished.
- Application property has fallen into disrepair since its owner died but with some attention could be restored to a family home. It is of sound construction, arguably of superior construction to the proposed replacement houses.
- Building is of historical importance, one of the oldest buildings. Built by Horne in the style of the nearby Village Hall. This would mindlessly destroy a piece of village history and degrade the environment of Mereworth.
- If building is demolished, only one property should be built on the imprint of the existing house.
- The Lane is narrow and a large driveway to support 2 houses may increase the risk of traffic accidents.
- Dangerous bend, blind curve and therefore adding 6 or more cars would be hazardous.
- 2 five bed roomed houses would not fit in and would be detrimental to street scene.
- This is a country lane, not Kings Hill. There are plenty of executive 4-5 bed houses in Kings Hill.
- Mereworth wants to survive as a village and a one-for –one policy should be applied to protect communities from schemes that are motivated by profit for builders.
- This would tower over neighbouring bungalow.

- Would take out light and view from lounge and bedrooms.
- Any replacement building should be of style and proportions to match adjoining, that is, a bungalow or chalet bungalow.
- Demolishing a perfectly decent attractive house of some historic interest is unimaginative and immoral. The stalls to the west end and the Victorian railings are period features which cannot justify destruction.
- If this house is demolished, there are at least 20 other unlisted but period houses in Mereworth that would be at risk.
- The Council should force the owners to bring the house to a habitable state when it would command a decent price on the open market.

4.7 Two letters have been received relating to the revisions, still objecting as follows:

- Unable to ascertain the position or size of the two properties.
- Shame to lose a fine house of character which appears to be in good order, not derelict.
- Understand that previous plans to build a house on the site were refused on highway grounds – there has been no change in classification of Butchers Lane.
- Even if smaller, will still have a detrimental impact on the character and visual amenities of the street scene.
- Will generate extra traffic movement on the narrowest part of the Lane.

4.8 Any further representations in response to the revisions will be included in a supplementary report.

## **5. Determining Issues:**

5.1 This site has some pertinent planning history detailed as follows. The 1996 refusal was for an additional dwelling on the plot, leaving no. 171 in situ. It was refused on grounds of harm to residential amenity of the host dwelling.

5.2 The current application is a resubmission of an outline application TM/05/02279/OA refused in 2005 for the following reasons:

- 1 *The proposed houses, by reason of their size, height and siting will be out of character with the locality and detrimental to the character and visual amenities of the street scene, contrary to Policy RS1 of the Kent Structure Plan 1996; Policy QL1 of the Kent and Medway Structure Plan (Deposit) 2003 and Policies P6/1 and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.*

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- 2 *The size and siting of the northernmost plot will be detrimental to the outlook and daylight to the neighbouring bungalow, contrary to Policy P4/11 of the Tonbridge and Malling Borough Local Plan 1998.*
- 5.3 The site is within the rural settlement confines of Mereworth. Relevant policies are RS1 and RS2 of the KSP; Policies SS6 and QL1 of the KMSP and P6/1 of the TMBLP which presume in favour of minor redevelopment subject to it being well designed, acceptable in highway and infrastructure terms and preserving the character, amenity and functioning of the settlement.
- 5.4 Policy P4/11 of the TMBLP details criteria for new development in order to, inter alia, safeguard the character and appearance of the street scene and neighbouring amenities. Policy P6/5 of the TMBLP requires the preservation of a linear character to the village.
- 5.5 This application is similar to the recently refused application in that it is proposing minor redevelopment of 2 dwellings on the site of an existing dwelling. This is acceptable in principle under the current policy framework for Mereworth. As has been mentioned by some of the objectors, in the draft LDF, there is a possibility of a future change to this policy such that Mereworth would be classified as a village where any increase in the number of dwellings should be limited due to the village having a poor score in regard to environmental sustainability criteria (the “one for one” policy). However, that potential new policy is at a very early stage and it has not yet been subjected to the degree of public consultation that would allow it to be afforded any substantial weight in the consideration of this application.
- 5.6 The previous scheme specified houses of a large floor area. I remain of the view that whilst large conventional houses would be out of character in this part of the village, smaller chalet bungalows in a linear form would not be. This can be specified by condition.
- 5.7 The previous scheme also had a cramped siting, especially with regard to the northern boundary. As siting is no longer specified, the plot coverage and the spacings to the boundaries and between the two dwellings will be dealt with at Reserved Matters stage.
- 5.8 This application is the same as the previous refusal in terms of the central shared access. It is the case that the intensity of the use of the access is likely to significantly increase, it will move further north (and thereby closer to the bend in the road) and vision splays would not be to the full normal standard. However, KCC (Highways) advises that this application removes the line of conifers on the frontage; offers potential to re-site the dwellings further back into the site and gives scope for the imposition of conditions that will provide better visibility than that which exists at present. Therefore, on balance, I do not consider that there is a reason to refuse on highway safety grounds.

- 5.9 The previous application was partly refused due to an unsatisfactory juxtaposition with the bungalow at No. 173 in terms of the forward projection of one of the new houses. Siting is now no longer shown. There remains a potential issue with regard to achieving a siting of the northernmost plot so as to have a satisfactory relationship with the front of no. 173 and to make sure the flank bedroom windows of that bungalow are not unduly shaded or blocked. I consider careful attention to these matters at Reserved Matters stage will make it possible for these issues to be satisfactorily resolved.
- 5.10 The comments of neighbours and the PC with regard to the importance to the village of the building to be demolished are noted. I accept that the existing building is in a poor state but it does appear to be capable of a sensitive restoration and/or extension. The applicants' description of it being "derelict" is probably not accurate and has not been supported by any structural or financial information. However, the site is not in a Conservation Area and the building is not listed (nor worthy of being listed in my view) and so the demolition of the building itself cannot form a reason for refusal in my opinion.
- 5.11 The trees to be lost are not worthy of protection. A landscape scheme will need to be submitted.
- 5.12 This application seeks to establish the principle of redevelopment of the site for 2 dwellings which has the potential to accord with strategic and local policy for this rural settlement. For the reasons given above, the application has been sufficiently amended in terms of the Reserved Matters such I can now support the application. Previous concerns over the detail of siting, design and size can be addressed in detail at a future stage, in the event that Members are minded to approve the outline application.

## **6. Recommendation:**

- 6.1 **Grant Outline Planning Permission** as detailed by letters dated 27.10.2005; 07.12.2005; email received 07.12.2005; illustrative siting plan and site location plan both date stamped 7.12.05 subject to the following conditions:

- 1 Approval of details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority. (Z003)

Reason: No such approval has been given.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (Z004)

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

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- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. (Z053)

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 4 The dwellings hereby approved shall be chalet bungalows only (\*).

Reason: In the interests of the visual and residential amenities of the locality.

- 5 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.

- 6 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. The approved boundary treatment shall be retained thereafter. 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 Authority gives written consent to any variation. (L001\*)

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.

- 7 The access shall not be used until the frontage from a point 2.0 metres from the edge of carriageway along the centreline of the proposed access tapering to the site boundary to both sides has been lowered to a height not 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.

- 8 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans. (H009)

Reason: To ensure the safe and free flow of traffic

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- 9 The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction. (H012)

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

- 10 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.

- 11 The details submitted in pursuant to Condition 1 shall show land, reserved for parking or garaging in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter 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 (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to reserved vehicle parking area. (P001)

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

- 12 The premises shall not be occupied until the existing vehicular access to Butchers Lane has been closed permanently. (H005)

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

Informatives:

- 1 Surface water from private areas is not to discharge onto the public highway Informative, Crossing, Highway Manager.
- 2 You are advised that details submitted pursuant to condition 6 should include the retention and re-use of the existing railings to the site frontage.

Contact: Marion Geary



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SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 11 January 2006

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**Mereworth (Mereworth) TM/05/03274/OA  
Hadlow, Mereworth And  
West Peckham**

**Outline Application for demolition of existing dwelling and construction of two detached dwellings at Baytree House 171 Butchers Lane Mereworth Maidstone Kent ME18 5QG for Mr R W Stevens + Mr K P Murphy**

DPT: Notification has been received from English Heritage advising that it has received an application to list the building. The planning application is therefore withdrawn from the agenda pending the outcome of the EH assessment, as the findings of this assessment process will be crucial to the final outcome of this proposal.

**APPLICATION WITHDRAWN FROM AGENDA**

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