

<b>Platt</b> Borough Green And Long Mill	<b>561842 157324</b>	<b>01.12.2005</b>	<b>TM/05/02823/FL</b>
Proposal:	2 bedroom chalet bungalow		
Location:	Botany Cottage Maidstone Road Platt Sevenoaks Kent TN15 8JE		
Applicant:	Mr + Mrs P Hunt		

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## **1. Description:**

- 1.1 This application is for a detached 2 bedroomed chalet bungalow with integral garage and frontage parking and turning area.
- 1.2 The bungalow will have a footprint of 12m by 8m (39 ft by 26 ft). It is sited on a plot measuring 355 sqm (0.08acres) giving a density of 30 dph. The ridge height is shown as 6.5m.
- 1.3 The rear garden will measure 3.6m in depth and the frontage will measure 13m in depth.
- 1.4 The agent has submitted supporting information with pertinent points as follows:
  - *With regard to concerns over shading to the rear garden, for the type of property being proposed, a patio garden will be preferred by the purchaser and with a pleasant view from the front of the house, we suspect the front garden will be used for leisure time.*
  - *As far as we know, there have not been any accidents as a direct result of the existing access onto the main road. The PC has recently provided a large parking area on its land at the end of the lane and also the Mill Cottages have recently been provided with rear access from the lane since Platt Mill has been redeveloped.*
  - *The oak tree in the neighbouring garden could possibly be affected by the hardstanding in extreme circumstances but the permeable covering should allow a constant water supply to the roots and light traffic should not damage the roots.*

## **2. The Site:**

- 2.1 The application site is the northernmost part of the rear garden of an existing dwelling house with annexe. The garden of Botany Cottage slopes downhill steeply. There is a 1.8m high stepped brick wall adjacent to a vehicular track on the eastern and northern boundaries.

- 2.2 To the west is the flank of 33 Minters Orchard. This has one obscure glazed first floor window facing the application site. It also has a large tree in its rear garden and mature shrubbery close to the common boundary.
- 2.3 The site lies within, but close to the edge of, the settlement confines of Platt.
- 2.4 To the north is the PC owned King Georges Field: an area of allotments next to a public playing field. Beyond the allotments, some 55m from the application site, is a main line railway.
- 2.5 Vehicular access will be formed via an existing single width track from the A25 Maidstone Road. This track passes the application site, leading to the allotments and to a small car parking area serving the playing field.
- 2.6 The track has a narrow width junction with the A25. Visibility to the west in particular is restricted due to the curve in the road. The track serves the frontage parking/garaging of 2 dwellings plus the annexe of Botany Cottage. It also serves the rear garaging/parking areas of 3 cottages which front Maidstone Road.

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

- 3.1 TM/90/0893                      Approved 21.08.1990  
Alterations and extensions.
- 3.2 TM/88/0157                      Approved 21.03.1988  
Two storey extension.
- 3.3 TM/83/0335                      Approved 10.05.1983  
Alterations and additions to existing detached building to form granny annexe.
- 3.4 MK/4/51/16                      Approved 25.01.1951  
Dwelling house.
- 3.5 MK/4/50/281                      Approved 29.08.1950  
Preliminary application for one dwelling house.

### **4. Consultees:**

- 4.1 PC: The adjacent property owned or controlled by the applicant has not been delineated on the plans. The site is shown as including the whole of the access track from the A25 to the northern limit of the proposal site. This Parish Council carried out an investigation a few years ago into the ownership of this access track and at that time it did not appear to be owned by the applicant. Does the track actually form part of the application site and, if so, is it owned by the applicant? It is not clear whether the application site is currently within the curtilage of Botany Cottage or is a separate plot of land. If it is part of Botany Cottage and the

applicant does not own the access track then the application site may not have the benefit of its own access rights along the track and could only use the access to the present entrance to Botany Cottage.

- 4.1.1 Section 8 of the application form refers to the creation or alteration of a pedestrian access but this does not appear to be explained on the plans, there are only details of the vehicle access to the site. This Council requests that these aspects are clarified before the application is determined.
- 4.1.2 There are already two dwellings on the Botany Cottage site and this addition is considered to be unacceptable backland development similar to that which has recently been refused at Ashcroft in Long Mill Lane (TM/05/00064/FL). The dwelling itself appears to have been 'shoe-horned' into the site with little regard for the amenity value of the rear (southern facing) garden which is bordered by a brick wall about 2.7m high just 3.6m from the property. There would be a significant impact on the number of vehicle movements between the access track and the A25 during a normal working day. The car park area in King Georges Field, referred to by the applicants, is normally only used at weekends (currently only some Sunday mornings) when there is little traffic on the A25. Access to this new property, however, will be required at all times including peak traffic movements on the A25. The applicants also refer to recent rear access provision to Mill Cottages which use the access track but these do not appear to have gone through the planning system. This Council therefore objects to the proposals.
- 4.2 PC (Additional Information): Platt Parish Council notes this additional information. Our objections to the proposal remain as stated in e-mail of 27th October.
- 4.3 EA: Site lies within a protection zone for a public water supply abstraction point; only clean uncontaminated roof water should be discharged to a soakaway and foul water should be discharged where possible to a public sewer.
- 4.4 Southern Water: No comment.
- 4.5 KCC (Highways): The submitted plans show proposals to construct a new detached two bedroom bungalow as an infill behind the existing property. The plans also show suitable parking with integral garage and suitable curtilage parking and turning, with access gained from a private shared driveway. The private driveway might be used by other pedestrians and the provision of pedestrian vision splays (2m x 45 degrees x 2m) could be beneficial at the new entrance. Traffic generation – a single dwelling is likely to generate in the order of eight two-way (arrival and departure) movements per day, resulting in one additional movement during peak times. The existing access serves a number of residential dwellings, a sports field and allotment gardens. I am therefore led to the opinion that the provision of one additional dwelling is unlikely to noticeably increase the level of traffic using the private track or safety on the public highway. The application site is located some distance from the public highway and the applicants are to be advised to liaise with highway manager regarding working

details and deliveries which I would not like to take place on the public highway. However, I would on balance raise no objections subject to conditions to ensure the parking area is provided and retained.

- 4.6 DHH (Noise) An acoustic survey needs to be carried out to establish which NEC the development would be subjected to. However, if you are minded to grant permission I would ask that a condition be attached such that no development shall be commenced until full details of a scheme of acoustic protection is submitted that shall be sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq dB in living rooms with windows closed. Additionally, where the internal noise levels will exceed 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.
- 4.7 DHH (Refuse): Refuse collection will need to be via a wheeled bin which should be placed at the shared entrance at the nearest point to the adopted KCC Highway (on the relevant collection day).
- 4.8 Private Reps: Art 8 site notice + (25/2R/0S/1X). Objections are summarised as follows:
- We have various trees which overhang 'the site' at the top of a steep bank which runs up to the boundary with Botany Cottage for the whole length of the boundary. They form a very necessary screen between us and 'the site', which for many years has been used as a storage, dumping and disposal area for commercial quantities of building materials. We have an oak tree which is one of the few remaining original trees in Minters Orchard (if not the only one). We feel that the casual attitude taken towards its preservation, e.g. "could possibly be affected", "should allow a constant water supply" and "light traffic should not damage the roots", is extremely unsatisfactory and does not inspire confidence in any general approach to preserve the natural environment.
  - We assume that when bonfires on 'the site' were investigated upon our instigation by the Environmental Health officers, checks were made as to the composition of the building materials which were being burnt, in case of possible contamination, or their being of a hazardous nature.
  - Concern about the area to be excavated. It appears from the plans that the excavation to level 'the site' would extend along the boundary for the complete length of our house. As described in our comment (1), the boundary is at the top of a very steep slope, where there is a fence. Would the fence just be left "hanging there", as there is no indication of any retaining wall - necessary, it would be thought, as the plan indicates an excavation of 3 to 4 feet at the

closest point to the boundary? Perhaps the planner didn't know there was an 8 foot drop on the other side of the fence. We feel it is entirely reasonable to raise concerns on the exact nature of any proposed boundary treatment and would ask to be kept informed before any such approval is given. We would finally like to reiterate our concern regarding the effect of proposed excavation on the existing boundary fence and the general treatment of the boundary - the amended plan shows no retaining wall along the line of proposed excavation.

- Concern that the layout of the proposed bungalow has its garage and drive adjacent to the boundary with our property and, in particular, the en-suite master bedroom. Most of the year, the window closest to the boundary (and facing it) needs to be open day and night for ventilation. Cars being driven over gravel and garaged would inevitably create unacceptable levels of noise, disturbance and exhaust smell.
- There would be a marked effect on the character of the immediate area, which we currently benefit from in the form of visits to our garden from shy wildlife, including slow-worms, lizards, foxes, bats and nervous birds, such as wood pigeons, wrens, long-tailed tits, jays, doves, owls, other birds of prey and pheasant.
- This proposal, if approved, would result in an undesirable backland development and could set an unwelcome precedent.
- The question of land ownership is obviously the province of the Council; we have ourselves queried ownership some years ago in relation to land immediately adjacent to the access road for St. George's Field and no definite conclusion could be reached.
- We hope that Environmental Health will consider that a noise study is "absolutely necessary in this situation", and not treat 'this situation' with such a marked degree of ennui.
- There must be no windows overlooking the garden of 29 Minters Orchard and the height of the new building must not be allowed to take away any light or sun from the garden.
- The lane does not appear to be the legal responsibility of any of the properties adjoining it and the PC will not contribute to its upkeep despite their car park adding an extra dozen or two cars using the lane at weekends adding to the previous daily movements of 8-10 vehicle movements a day. Perhaps this application will act as a catalyst for the upkeep of the lane by the PC and residents.

**5. Determining Issues:**

- 5.1 The site lies in the confines of Platt and hence Policy P6/1 of the TMBLP applies. This accepts the principle of minor residential development, such as an additional dwelling.
- 5.2 Policy P4/11 of the TMBLP relates to the quality of built development and requires the character of the local environment must not be harmed.
- 5.3 Policy P3/17 of the TMBLP relates to the introduction of dwellings near to sources of rail noise.
- 5.4 The proposal is to build a chalet bungalow. The land slopes down and so part of the garden is to be dug down by approx. 1m. This will mean the visual impact of the dwelling is sufficiently reduced.
- 5.5 In terms of neighbouring residential amenities, the main fenestration to the first floor roof space accommodation will all face north, towards the allotments. There is proposed to be one rear facing rooflight to the landing area. There are no windows on the flank facing 33 Minters Orchard. Hence I do not consider there to be any overlooking concerns.
- 5.6 The neighbours at 33 Minters Orchard mention concern over noise and exhaust fumes from use of a shingle driveway. It is the case that such surfacing for residential parking and turning could be constructed at this location without the need for planning permission and therefore I do not consider this issue can be given any weight. However, an informative could be used to encourage the use of a less noisy surfacing material.
- 5.7 From scaling off the submitted drawing, the new bungalow will be sited approx. 17m from the rear of the main house at Botany Cottage and approx. 12m from the rear of the 2 storey rear extension at Botany Cottage. There is one first floor window to the host house and two very small first floor windows to its rear extension part. Due to the new dwelling being a bungalow and sited on a lower level, it is considered that there will not be a detrimental impact on the amenities of the host dwelling.
- 5.8 The new dwelling will be sited less than the normal requirement of 21m away, but the submitted drawings show that due to the land level changes, boundary treatment along the common rear gardens (being 2.8m high relative to the new bungalow) should be adequate to safeguard privacy to the new bungalow. Members will note that the issue of the small size of the rear garden has been raised with the agent because of the comparatively small separation distances and the likely low levels of sunlight and daylight to the rear amenity area. He is of the

view that the large front garden which looks onto the Downs is relatively private and will tend to be used for sitting out. I agree there is some merit in his argument.

- 5.9 The PC likens this proposal to the refused application for a dwelling at Ashcroft, Long Mill Lane, in which two dwellings were to share the same access. That application was refused due to a lack of proper road frontage and because of it being detrimental to the amenity of the surrounding locality. I do not agree that this proposal is similar to that case or is otherwise unacceptable tandem development as the access will be separate from the host dwelling and the layout will be in character with this locality.
- 5.10 The applicants have illustrated the large oak tree in the neighbouring garden as being well outside the proposed footprint of the dwelling. I am of the view that appropriate conditions for protection of the tree from level changes and the driveway can ensure it is safeguarded from harm from this proposed development. The question of land stability and the support given by one person's land to another's is not in itself a material planning consideration. However, in this instance, because of the importance of ensuring adequate and secure boundary treatment, details of the changes in levels and how they are to be achieved will be relevant. It is considered that an acceptable development layout can be achieved at this site subject to levels, boundary treatment and fenestration being controlled by condition.
- 5.11 In terms of noise from the railway line, the applicants have not submitted an acoustic survey despite being asked to do so. Whilst I understand DHH's concern over this issue, there is no evidence that the site would fall into such a noisy environment that would mean that planning permission should be refused in principle. Previous experience on other sites nearby would suggest that a satisfactory internal noise climate can be achieved through building design and mitigation techniques. I am satisfied that this can be dealt with by a condition along the lines suggested by DHH to achieve compliance with Policy P3/17 of the TMBLP.
- 5.12 DHH has not advised me of any concerns with contamination on this site from any past business activities and I consider that an informative on possible contamination rather than a condition is therefore appropriate.
- 5.13 The track is in unknown ownership and the relevant press notices and certificates have now been satisfactorily completed by the applicants. The track is in a poor state of repair but it is already used for both private and public traffic and in my opinion it would be difficult to argue that it is not satisfactory to serve one extra small dwelling. The PC's concern about breach of "access rights" is civil matter, not a planning matter.

5.14 The remaining issue is the intensified use of the access onto the A25 which is a particular concern of the PC. Members will note that this issue is considered in detail in the representations of KCC (Highways). Policy T19 of the KSP says that development will normally be refused which involves the increased use of an existing access onto the primary or secondary road network, where an increased risk of accidents or significant traffic delays may result. KCC (Highways) is of the view that, bearing in mind the uses already served by the track (five residential properties, one annexe, allotments and a PC Playing Field car park), it would be difficult to resist this proposal.

5.15 I am able to support the application.

**6. Recommendation:**

6.1 **Grant Planning Permission** as detailed by drawing BC-010 rev B; Certificate D date stamped 04.10.2005; letters dated 06.09.2005; 04.10.2005; 28.11.2005 subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (Z013)

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 commence on site until details of boundary enclosures indicating the position, height, detailed design and the materials to be used in their construction has been submitted to and approved by the Local Planning Authority. The boundary enclosures as approved shall be erected before any part of the development hereby permitted is first occupied and shall be so retained thereafter.

Reason: In the interests of visual and residential amenities.

4 No development shall take place until details of existing and proposed levels for the site have been submitted to and approved by the Local Planning Authority. The submitted details shall specifically include the finished slab level of the proposed dwelling and details of any alterations to levels adjacent to the western boundary, including the method of support for the agreed boundary demarcation/treatment. The work shall be carried out in strict accordance with those details. (D008\*)

Reason: To ensure that the development does not harm the visual amenity of the locality and in order to protect the amenities on neighbouring residential properties.

- 5 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 roof of the building other than as hereby permitted without the prior written consent of the Local Planning Authority. (D014)

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

- 6 The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the access track have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter. (H017\*)

Reason: In the interests of highway safety.

- 7 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.

- 8 No development shall take place until details of the method of construction, surfacing and draining of the vehicle parking area have been submitted to and approved by the Local Planning Authority. The submitted scheme should include appropriate safeguarding of any tree roots encountered. The works shall be carried out in accordance with the approved details before the parking area is brought into use and shall be so retained at all times thereafter. (P008\*)

Reason: To ensure a finish to the parking area consistent with the character and appearance of the locality.

- 9 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.

- 10 No development shall be commenced until an acoustic survey has been submitted to and approved in writing by the Local Planning Authority. It shall include full details of a scheme of acoustic protection sufficient to secure internal noise levels no greater than 30  $L_{Aeq}$  dB in bedrooms and 40  $L_{Aeq}$  dB in living rooms with windows closed. Additionally, where the internal noise levels will exceed 40  $L_{Aeq}$  dB in bedrooms or 48  $L_{Aeq}$  dB in living rooms with windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter. (N016\*)

Reason: To safeguard the aural amenity of the occupiers of the dwelling hereby approved.

- 11 Foul drainage shall be by connection to a public sewer unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of pollution prevention.

Informatives:

- 1 You are recommended to take full account of the advice given by the Department of the Environment, Transport and the Regions in PPG 23 Planning and Pollution Control. This advice (in Paragraph 14 of Annex 10) indicates that "the responsibility for safe development and secure occupancy of the site rests with the

developer". You should note that this Council, acting as Local Planning Authority, has determined the application on the basis of the information available to it – this does not mean that the land is free from contamination. (Q047)

- 2 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)
- 3 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners. (Q040)
- 4 With regard to construction activity and delivery of building materials etc, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
- 5 With regard to the details to be submitted pursuant to condition 8, the applicant is encouraged to use a material other than shingle for the surfacing of the parking and turning area, in order to reduce potential noise disturbance to neighbouring residents.

Contact: Marion Geary