



the development in general. Although we wish the applicants many happy years of retirement, the additional dwelling would exist for considerably longer than the applicants' needs.

This Council is not aware of any other policy within the local plan that would make this application acceptable so we therefore object to the proposal.

- 4.2 KCC (Highways): The submitted plans show proposals to divide the current site and construct a new detached three bedroom house within the application site.

The proposals include the creation of a new access from the site onto Potash Lane, to provide suitable access to a new garage and suitable parking/turning provision.

The plans show that adequate visibility can be provided at the new open entrance: but should any gates be proposed, they will need to be suitably set back. A suitable hard surface will be required for the first two metres of the access to help reduce the migration of any loose material onto the public highway but, to help retain the rural aspect, I would not expect normal kerbing be used in this location. The parking provision to the existing property will be unaffected by the proposals. Therefore, in principle, I would raise no objections to this application. Applicants to be advised to liaise with highway manager regarding construction of new crossing and works that affect the integrity of the public highway.

- 4.3 Private Reps: 6 + Art 8 Site & Press Notices. 1R/0X/0S. The letter of objection expresses concern on the following grounds:

- Over-development of site.
- Undue impact upon the amenities of properties located on the opposite side of Potash Lane.
- Damage to attractive hedgerow.
- Increase in noise disturbance in the area.
- Potential harm to highway safety.
- Loss of view.

## 5. Determining Issues:

- 5.1 The site lies outside of the village confines of Platt and, therefore, within open countryside designated as MGB according to the TMBLP. As such, this proposal represents an *“inappropriate”* form of development within the Green Belt, contrary to the provisions of PPG2 and a departure from the adopted Development Plan (specifically policies S52 of KMSP and P2/16 of the TMBLP). Accordingly, the

proposal can only be supported in principle if there is an appropriate case of very special circumstances that warrants setting aside the normal policy presumption of restraint.

- 5.2 I do not consider that the applicants' own personal circumstances to retire and stay within the village in a smaller dwelling to amount to a significant case of very special circumstances. However, the emerging LDF is now a material consideration and this new policy document proposes a change to the built confines of Platt to **include** the curtilage of Stanbredges through its adopted "Core Strategy". Consequently, whilst this proposal is technically a departure from the adopted TMBLP, I am prepared to recommend favourably in terms of the principle of this development in the light of the policy decisions that members have very recently now made since, in my view, the fact that the Council has made a clear intention to incorporate this site within the built confines amounts to an appropriate case of very special circumstances. Naturally, if members were minded to approve this application then, because the proposal is a departure from the Development Plan, that decision would need to be referred to the SoS.
- 5.3 Turning now to the physical impacts of the proposed dwelling, I am satisfied that the plot could accommodate the development without appearing unduly cramped or out of character with the area. Moreover, I consider that the particular design and appearance of the dwelling are appropriate in their quality and in sympathy with the local vernacular.
- 5.4 The new house would also be acceptable in terms of its impacts upon the residential amenities of neighbouring dwellings. The building would be sufficiently distanced from any other property to avoid any undue loss of light or be oppressive to any outlook. In terms of privacy issues, the first floor windows facing other dwellings that serve habitable rooms are both bedroom windows in the south-west and north-east flank elevations. The window in the north-east elevation does overlook Stanbredges but could be conditioned to be obscure glazed since there is a second window serving that bedroom. The other first floor flank window in the south-west elevation is sufficiently distanced from the property it faces to satisfy applicable privacy standards.
- 5.5 Concern has been expressed about the fact that the new property would unduly impact upon the aspect currently enjoyed by some dwellings located on the opposite side of Potash Lane. However, loss of view is not a material consideration in the determination of planning applications and, as indicated above, the proposals are sited sufficiently far away to mean that the building would not be unduly oppressive to the general outlook of those dwellings.
- 5.6 Objection has also been raised in respect of the erosion of a hedge that is situated along the frontage of the site. Whilst alterations to create a new access would mean that the hedge would be breached, it would substantially be retained and I find this acceptable. In fact, the hedge is not currently protected and nor can it be

afforded specific protection under current legislation relating to trees and hedgerows. However, a planning condition could be attached to any planning permission to secure the long term protection of this attractive feature of the streetscape.

- 5.7 In terms of highway issues, I find the proposals to provide both the new dwelling and the existing house Stanbredges with adequate access and parking facilities. KCC Highways concurs with this assessment.

**6. Recommendation:**

- 6.1 **Grant Planning Permission** as detailed in letter dated 06.07.2006 and drawing nos. STA PL/05 A; 06 A; 07 A; 08 A; 09 A subject to:

- reference to the SoS as a departure from the Development Plan
- the following conditions:

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

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 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.

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 use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter 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 or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 4 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.

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.

- 5 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.

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.

- 6 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.

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 existing hedge along the site's frontage with Potash Lane shown on the approved plan to be retained 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.

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.

- 8 No development shall take place until full details of the existing and proposed finished levels of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include precise levels for the slab and ridge heights of the existing and proposed buildings and also contoured plans and/or plans annotated with spot levels specifying the existing and proposed ground levels within the curtilage.

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

- 9 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, C, D or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001)

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

- 10 The first floor window on the north-east elevation shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

- 11 No building shall be occupied until the area shown on the submitted plan as a turning area has been provided, surfaced and drained. Thereafter 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 this reserved turning area. (P011)

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 12 The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles. (P009)

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

Informatives:

- 1 With regard to the construction of the pavement crossing, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate number(s) to the new property/ies. To discuss the allocation of numbers 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. (Q050)

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