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<b>Borough Green</b> Borough Green And Long Mill	<b>560598 157363</b>	<b>19.04.2006</b>	<b>TM/06/01260/FL</b>
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Proposal:	Construction of 2 no. dwellings
Location:	Land To The West Of And Including 80 Western Road Borough Green Sevenoaks Kent TN15 8AH
Applicant:	Culverden Limited

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### **1. Description:**

- 1.1 The application proposes a replacement dwelling to No. 80 Western Road and the erection of one dwelling adjacent on land west of 80 Western Road. The replacement dwelling is proposed to be a 4 bedroom house with an integral garage and two parking spaces. The new dwelling to the west is proposed to have four bedrooms and an attached ground floor annex. The new dwelling would have three off road parking spaces to the frontage.
- 1.2 It is proposed to adapt the existing access shared by No. 80 and No. 78 Western Road to serve the proposed properties.
- 1.3 The original proposal was for a single dwelling and two semi-detached dwellings – this is no longer the case but the original proposal is reflected in many of the comments of consultees.

### **2. The Site:**

- 2.1 The site is formed from two plots of land. One part is the residential curtilage of 80 Western Road, a bungalow which is set back from the road with a shared access with No. 78, and the other part is an area of disused land which has become neglected and unkempt.
- 2.2 The site is located at the western end of Western Road (A227), opposite the junction of the A227 and Sevenoaks Road (A25). The railway runs to the north of the site on a raised embankment. A private access road to West Bank care home borders the site to the west. Directly east lies a row of bungalows, which are adjacent to a parade of shops with first and second floor residential accommodation.

### **3. Planning History (most relevant):**

#### Land Adjoining 80 Western Road

- 3.1 TM/04/04058/OA    Granted with Conditions 19.04.2005  
Outline Application: Two storey detached dwelling with garage.

- 3.2 TM/75/888 Refused 25.11.1975  
Outline Application for the erection of one dwelling and garage served by existing access.

80 Western Road

- 3.3 TM/04/03189/FL Granted with Conditions 01.11.2004  
Extension to side and rear of property and roof conversion.

#### **4. Consultees:**

- 4.1 The following comments are predominantly related to the original scheme. Further comments on the amended scheme will be in the Supplementary Report.

- 4.2 PC (comments on original plans and proposal):

- There is concern about the height of the semi-detached dwellings which are higher than the proposed detached property and the adjacent bungalows.
- There is extreme concern about the likely traffic implications. It is considered unacceptable for the amount of additional traffic that this development is likely to create to have such a dangerous access on to this very busy and dangerous junction of the A25/A227 where speed of traffic is already a problem.
- The proposal is considered over-intensification of the site. The size of the plot is too small for three houses.
- House 1 is shown as being a 4-bed house but to what use will the two attic rooms be put – we query, in reality, is this not a 6-bed house?
- For 3x4 bed (possibly 1x6 bed) houses we query as to whether there will be enough room for suitable parking provision.
- House 1 – the window above the door should be obscure glass as it overlooks the 2 semi-detached properties in front of it.
- There is concern about inadequate existing infrastructure particularly with regard to water supply.

I look forward to reporting the PC's comments on the amended proposal and drawings within the Supplementary Report.

- 4.3 KCC Highways Manager (comments on original plans and proposals):

- Under KCCCVVP the scheme would require nine parking spaces.

- Although reduced parking could be acceptable for town centre developments, with access to public transport and parking. In this instance, seven parking spaces are shown, but I feel that the full provision of three parking spaces with adequate on site turning should be provided.
- Traffic Generation - The application site abuts Western Road (A227) that forms part of the Secondary Distributor Road Network. Policy T19 of the Kent Structure Plan applies.
- The proposal will result in a net increase of two dwellings. However, the site already benefits from a planning approval for one dwelling with access off a private drive, further along onto Sevenoaks Road.
- Furthermore, I do not believe that the layout shown will provide full off street parking and suitable turning provision and could therefore not support this proposal.

4.4 DHH: (comments on original plans and proposals): A scheme for the protection of the proposed dwellings from noise from the railway and road traffic noise to be submitted and approved prior to commencement. Also offers advice on the Council's refuse collection service.

4.5 EA: (comments on original plans and proposals): No Objection. Although the site does not lie within a Source Protection Zone, it does overlay the Folkestone Beds, classified a major aquifer in the terms of the Policy and Practice for the Protection of Groundwater. Therefore all precautions must be taken to prevent discharges and spillages to ground both during and after construction in order to protect the underlying aquifer from potential contamination. The EA offers suggested conditions for any approval.

4.6 Network Rail (comments on original plans and proposals): No objection. Advice given on a number of issues such as demolition and excavations of footings.

4.7 Private Reps 33/0X/0S/2R and Article 8 Notice (comments on original plans and proposals): Two letters received raising the following objections:

- Over-intensification of the site.
- Replacement dwelling would actually have 6 bedrooms taking account of the attic space.
- Over bearing impact to No. 78 Sevenoaks Road resulting in loss of privacy.
- Impacts on the highway by virtue of inadequate parking, lack of turning area and sub-standard access. Also issues over private rights along the boundary of 80 and 78 Western Road have been raised with regard to future boundary treatments.

- Loss of privacy to No. 78 Western Road.
- Out of character with the street scene when entering the village.
- Restrictive covenant in place which only allows for bungalows to be built.

**5. Determining Issues:**

- 5.1 The main determining issues within this application are whether the erection of a replacement dwelling and an infill dwelling are acceptable in principle in this location, whether the design in terms of layout, form, scale, size, mass, height and external appearance is acceptable and whether the development is acceptable in terms of residential amenity, highways and noise environment.
- 5.2 Development within the built confines is acceptable in principle subject to many other considerations. Policy SS7 of KMSP 2006, provides for small scale housing development within Rural Service Centres such as Borough Green. Policy P5/3 of the Tonbridge and Malling Borough Local Plan (TMBLP) 1998 seeks to maximise housing development whilst ensuring that the residential character of an area is not compromised through 'town cramming'.
- 5.3 Policy P4/11 of the TMBLP sets out requirements for the quality of the built environment to ensure that development is appropriate in terms of density, scale, layout, siting, mass, form, height and in terms of its impact on adjacent buildings and land. P4/11 also aims to promote high quality design through detailing and appropriate materials. Policy QL1 of the KMSP requires that all development should be well designed and of a high quality. The policy goes on to state that developments should respond positively to the scale, layout, pattern and character of their local surroundings.
- 5.4 Policy P4/12 of the TMBLP seeks to protect the residential amenity of adjacent dwellings and sets out standards for loss of daylight and sunlight, and refers to the adopted principles of the Kent Design Guide with regard to issues such as privacy.
- 5.5 Policy TP12 of the KMSP ensures that development will not be permitted which involves the construction of a new access on to a primary or secondary road network, or the increased use of an existing access, where a significantly increased risk of crashes or traffic delays would result.
- 5.6 Policy P3/17 of the TMBLP considers the impact of noise from transport related sources on proposals for new development. The policy applies the Noise Exposure Categories (NECs) for development within certain aural climates.
- 5.7 The principle of minor infill development and a replacement dwelling is, when considering the above policies, acceptable in this location. The principle of a new dwelling adjacent to No. 80 was approved under outline by APC2 on 13 April 2005 in the form of a two storey four bedroom house with garage. The principle of a

replacement dwelling within the built confines is acceptable in broad policy terms. No. 80 also has a currently unimplemented approval to extend to the side and rear and extend the roof to form a chalet bungalow.

- 5.8 The layout as proposed shows the replacement dwelling in a similar position to the existing, however, slightly set back behind the existing building line. The proposed infill dwelling would follow the existing building line of No.80 and then project forward by 2.5m whilst turning with the frontage of the site. A private drive, parking and turning area is located to the front of the site, set behind an acoustic barrier (details yet to be submitted but likely to be a 1m). I consider the proposed layout to be in keeping with the pattern of development to the immediate east and the general pattern of development in the wider locality.
- 5.9 The scale and massing of the proposal achieves consistency with the immediate character of development to the east, being low level bungalows, by using a catslide roof abutting the next door bungalow at No. 78. Within the wider context, the scale and massing of the properties surrounding the A227/A25 junction is greatly mixed. For example, beyond the bungalows, further north-east along Western Road, lies a parade of shops with first and second floor residential accommodation above, while opposite is a substantial public house right on the roadside. It is my opinion therefore, that the proposed scale and massing of the proposed properties is in keeping with the character of the locality.
- 5.10 The proposed height of the properties is 7m at ridge level. The original bungalow is 5.4m at the ridge with an approval to extend to an overall ridge height of 6.1m. A 7m ridge height is lower than other development recently approved in the area. The houses at The Brickmakers Arms have a ridge of 8m on average, for example. The replacement dwelling has incorporated a cat-slide roof to the eastern roof slope to address the difference in height between the proposed dwellings and No. 78 Western Road. I consider this to be an appropriate means of lessening the impact of the development as well as creating a break in the differing roof designs. I therefore consider the proposed height to be appropriate in this location.
- 5.11 The form and detailed external appearance of the two properties have attempted to utilise local materials and detailing, such as tile hanging, ragstone, brick and the use of barn hipped roofs. There are no properties of this detail within the immediate locality, but there are properties with a similar appearance in the wider vicinity.
- 5.12 The proposed replacement dwelling has no windows facing east towards No. 78. There would be no loss of privacy therefore to the occupants of No. 78 in my view. The proposed height and roof design of the replacement dwelling would not result in a significant loss of light to No. 78 in my opinion.

- 5.13 There is a window within the west elevation of the proposed replacement dwelling at first floor, which faces the proposed infill dwelling. The window would serve a bathroom and could therefore be obscure glazed. In any event, the bathroom window would have limited views into the private garden area of the proposed infill dwelling.
- 5.14 The proposal would increase the use of an existing shared access on to the primary road network. As stated above, policy TP12 of the KMSP would not permit such developments. The replacement dwelling creates no additional use; it is the infill dwelling which would be served additionally. There is already outline permission in this location for a detached dwelling with access off the private access road to West Bank Care Home. I feel that, on balance, when comparing the previous approvals, there would be no perceptible increase in traffic, just an alternative access arrangement. Adequate parking space has been incorporated within the layout to exceed maximum parking standards. Comments on the revised scheme have not been received from KCC (Highways) at the time of writing. I will therefore report further on the highways issue within the supplementary report.
- 5.15 The site is located in an area subjected to high levels of road traffic and rail noise. The levels within the site are anticipated to be within a level which could be acceptable provided satisfactory mitigation measures are in place to protect the future occupants. A condition could be attached to any approval to ensure measures are in place prior to occupation.
- 5.16 In light of the above considerations, (subject to any representations received as a result of reconsultation that will be included in a supplementary report) the proposal would accord with relevant local and strategic policy as outlined above.

## **6. Recommendation:**

6.1 **Grant Planning Permission**, as detailed in certificate dated 13.04.2006, and plans date stamped 29.08.2006, 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 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 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 parking space. (P004)

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

- 4 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. 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.

- 5 Development shall not begin until a scheme for protecting the proposed dwellings from noise from the mainline railway and from road traffic noise has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted development buildings are occupied and shall be retained thereafter. These details should provide evidence that:

(a) The dwellings will not be exposed to rail or traffic noise in NEC C as set out in Policy P3/17 of the Tonbridge and Malling Borough Local Plan.

(b) Any garden area that is provided for amenity purposes is not exposed to daytime noise levels (07.00 – 23.00) greater than 55LAeq dB 1hr.

(c) Appropriate noise mitigation will be provided to any habitable rooms that are exposed to road or railway noise levels within NEC B as set out in Policy P3/17 of the Tonbridge and Malling Borough Local Plan.

Reason: In the interests of the residential amenity of the new development.

- 6 The window on the first floor flank (west) elevation of the replacement dwelling 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. (R003)

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

- 7 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

Reason: To prevent pollution of the water environment.

- 8 If during the development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, details of how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

- 9 No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

Reason: To prevent pollution of the water environment.

- 10 Any gateway to the accesses 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.

Informatives:

- 1 Tonbridge and Malling Borough Council operate a wheeled bin, boundary of property refuse collection service. Where there are shared private drives, bins should ideally be placed at the nearest point to the public highway on the private drive (on the relevant collection day).
- 2 Collection of bins from individual property boundaries or specified bin storage area, can be achieved where vehicle access is permitted i.e. road constructed to highway standard to allow 32 tonne (GVW) Refuse Freighter and appropriate turning areas (vehicle 11m x 2.5m, with 6m wheelbase).



- 3 Although advice in accordance with the Local Plan states "no carry distance to exceed 25m from either the bin store or house to refuse vehicle", I wish to reiterate that 25m be used as the maximum and that consideration should always be given to a shorter distance that adheres to the above points. The Council operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. On the day of collection, the wheeled bin from each property should be placed on the shared entrance or boundary of the property at the nearest point to the adopted KCC highway.
- 4 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to [trevor.bowen@tmbc.gov.uk](mailto:trevor.bowen@tmbc.gov.uk). To avoid difficulties for first occupiers, 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.
- 5 To reduce the severity of domestic property fires and the number of injuries resulting the Fire Officer recommends that consideration should be given to the installation of a sprinkler system in all new properties. (Q053)
- 6 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)
- 7 The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without any consent which may be required from the beneficiaries of that right of way. (Q041)

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