

Shipbourne **557866 151339** **20 October 2006** **TM/06/03423/FL**
Borough Green And
Long Mill

Proposal: Rebuild existing dwellinghouse (amended scheme to that approved under planning refs. TM/06/00255/FL and TM/06/02136/FL)
Location: Barrwood Hildenborough Road Shipbourne Tonbridge Kent TN11 9QA
Applicant: Mr And Mrs Beadle

1. Description:

- 1.1 Planning permission was granted on 2 June 2006 for the demolition of an existing dwelling, garage and outbuildings and the erection of a replacement dwelling and outbuildings. Planning permission was subsequently granted on 9 August for a cellar to serve this approved scheme. This proposal seeks approval for an amended scheme in order to improve the practical design of the approved scheme.
- 1.2 The existing house (which has now been demolished) was significantly extended previously. Planning permission was granted in 2005 for a ground floor extension and alterations to the roof (TM/05/02069/FL). This was granted on the basis that it would improve the appearance of the existing building and have no impact on the Green Belt, although the permission has not been implemented.
- 1.3 There were discrepancies in the original plans submitted with this application between the dimensions of the proposed garage and pool house on the proposed site plan and the elevation plans submitted. These discrepancies have been rectified and amended plans submitted. Reconsultations are currently being carried out on these amended plans. The proposed pool house and garage are the same dimensions as shown on the approved plans for TM/06/0255/FL.

2. The Site:

- 2.1 The site is located outside the village confines of Shipbourne, in the MGB and SLA, and formerly housed a substantial dwelling and range of outbuildings. To the rear of the site is a paddock which is within the applicant's ownership. The driveway leading to the site from Hildenborough Road is not in the applicant's ownership. In accordance with legal requirements notice has been served on the owners of this drive. The site is well screened on all sides by hedges and trees.

3. Planning History:

TM/05/02069/FL Grant With Conditions 7 September 2005

Ground floor extension and alterations to roof

TM/06/00255/FL Grant With Conditions 2 June 2006

Re-build property with ground floor extension

TM/06/02098/RD Grant 9 August 2006

Details of materials submitted pursuant to condition 2 of planning permission ref. TM/06/00255/FL (rebuild property with ground floor extension) being Hanson-Hathaway Brindled

TM/06/02136/FL Grant With Conditions 9 August 2006

Formation of a cellar wholly underground

TM/06/02592/RD Grant 7 September 2006

Details of materials pursuant to planning permission ref. TM/06/00255/FL (rebuild property with ground floor extension) being reclaimed roof tiles

4. Consultees:

4.1 PC: By a majority it objects to the application for the following reasons:

4.1.1 The application site lies within the MGB, a SLA and impacts upon the AONB. The council considers that the increase in volume, scale, mass, form and height over the original is inappropriate and unacceptable (Policy P4/11), particularly when the scale of and the number of outbuildings proposed within the domestic curtilage is also taken into consideration), and will lead to an overdevelopment of the site.

4.1.2 With regard to the supporting letter supplied to the parish council by the applicants and a neighbour's letter of objection, there are conflicting views. The council requests that the floor areas, volume and heights are measured by TMBC for consideration and comparison.

4.1.3 No landscaping proposal has been included. Suitable tree protection measures should be put in place. If the application results in a grant of planning permission, the landscaping proposal should be prepared and approved before any building works commence in order to safeguard the quality of the local environment and the privacy of the neighbours. (Policy P4/11).

4.1.4 The council is unsure from the plans of the exact area of the application in regard to domestic curtilage and other land in the applicant's ownership and whether the pond forms part of the garden.

4.2 KCC (Highways): No objection.

4.3 Private Reps Art 8 Site and Press Notice + 6/0X/5S/2R. Five letters of support received and two letters of objection received (from the same address), objecting on the following grounds:

- The proposal is contrary to KMSP and TMBLP because it is significantly larger than the dwelling that it replaces;
- The proposed dwelling would be 120% increase in volume and 102% increase in floor area over the existing house, garage, 2 sheds and small greenhouse. The proposal would, as a result, be harmful to the MGB, based on figures supplied by Butcher and Associates, commissioned by a neighbour to carry out volume and area calculations of the existing and proposed;
- The proposed design is poor with dominant frontal fenestration, which is unattractive and 'jarring' in the SLA. None of the attractive features of the existing house have been retained (white-washed walls and dark top roof);
- Given that the application site sits on top of a hill, it would detract from the view enjoyed from the Public Footpath no. MT15 during the seven months of leaf fall;
- This application seeks to rearrange the historic domestic curtilage of the dwellinghouse without documentary evidence of 10 years use. (It excludes the pond area, its hedge-line and trees to the north of the site as 'garden area'.) The applicants fenced off the pond area when they purchased the property in 2002. The paddock has previously been used for grazing horses;
- The proposed house would directly overlook the living rooms, private garden areas and swimming pool of the adjacent property and, as the pond area is not shown to be in the domestic curtilage, the Council would be unable to prevent the removal of the existing screening. The applicant has advised a contractor of EDF Energy that he intends to fell all the trees;
- This application is the result of 2 previous applications (TM/06/00255/FL & TM/06/02136/FL) in which inaccurate drawings and written information were presented. The most unfortunate error was that the size of the original dwelling is incorrect. It is 16.2m wide, 12.1m deep and 8.71m high. This is also verified by the Council's commissioned independent topographical survey;

- The agent refers in his submission to 'errors and inconsistencies' on the approved drawings in the two previous applications. However, there is no correction in the submitted plans for the existing house;
- The submitted plans show an increase in the size of the basement, the size of the first floor and a marked increase in the roofscape, adding to the visual aspect of mass, bulk and volume of the proposal;
- The height of the flattened roof ridge measures 9m, but is marked as 9.11m with a proposed ground floor level of 19.83 (this being the benchmark of the applicant's topographical survey dated August 2006, but unchanged since March 2006);
- Development of the building within this application has already commenced. The excavation is not in the proposed location, but situated near the swimming pool and Wendy House;
- During the demolition of the existing house and pond dredging the land levels as measured became eroded. It is therefore quite possible that the proposed roof height at its highest level could measure 10.28m, if permitted;
- A letter to the neighbour from Butcher and Associates Chartered Surveyors was enclosed with the objection, setting out their calculations of the areas and volumes of the existing house and outbuildings and the proposed house and outbuildings;
- The proposed house is not situated in a 'substantial plot'. The rest of the plot borders the domestic garden curtilage. As such, the site is very tight for the replacement dwelling;
- The submitted location plan (06Z1/LP) is not at A3 at 1:2500. It conflicts with earlier submitted plans. If you place the Title Deed Plan and also an OS Plan purchased by the neighbour over the submitted site location plan they do not correspond. This increases the size of the proposed curtilage to the south by 10m.
- The applicant should be requested to submit a topographical survey to ascertain correct land levels and proposed site measurements for proposed/ existing domestic garden curtilage, paddocks and woodland belt.
- The proposed site plan does not match up with the location plan drawing. The proposed pool house is stated to be 5m deep. To fit it in without encroaching upon the paddock beyond the post and rail fence the retaining wall would have to be demolished, which was built to prevent mud slides;
- The applicant's description that the approach to Barrwood from Hildenborough Road is via a relatively level private road is incorrect. The private driveway has

a very steep up-hill section through woodland. In this location Barrwood would be clearly visible and unsightly through dominant size, massing and height from the PROW, plus the additional problem of wholesale felling of tree screening around the pond area;

- Although the applicant indicates a half basement, it is considerably larger than previously approved. The excavation shows a full basement beneath the house.

5. Determining Issues:

- 5.1 The main determining issue relating to this application is whether the proposed amendments to the approved scheme will have a detrimental impact upon the amenity of the surrounding locality and the MGB. The assessment must therefore be whether this amended proposal is materially different from the approved scheme to be capable of causing any such impact.
- 5.2 Policy P6/10 of the TMBLP states that within the MGB proposals for a new building which is significantly larger than the dwelling it replaces will not be permitted. PPG2 and policies SS2 and HP5 of the KMSp accept the principle of replacement dwellings in the Green Belt and in the countryside generally, provided that they are not disproportionately larger than the original dwelling to be replaced.
- 5.3 Policies EN5 of the KMSp and P3/6 of the TMBLP state that within the SLA priority should be given to the conservation and natural beauty of the landscape over other planning considerations. Policy P4/11 of the TMBLP seeks to ensure that development proposals do not harm the character and quality of the local environment.
- 5.4 The key question in assessing the current application is whether the height and bulk of the building is significantly larger than the existing dwelling and whether the increase in itself creates a harmful impact on the MGB and other policy considerations. In making this assessment significant weight should be given to the approved scheme.
- 5.5 The proposed dwelling has been slightly reorientated within the site. The footprint of the proposal (240 sq m) is marginally greater than the approved dwelling (236 sq m). These differences are very marginal and in practice will not be noticeable. Consequently, this aspect of the proposal will not give rise to any detrimental impact upon the amenity of the surrounding locality.
- 5.6 The overall height of the proposed dwelling would be 9.28m, compared with the approved replacement dwelling which is 8.8m high, (a difference of .48m or 19 inches). The application proposes to set the dwelling at a lower ground level so that the finished floor level and the resulting construction will mean that the ridge height of the proposed dwelling would be no greater than that of the approved dwelling relative to the prevailing ground levels. As with the previous approval it

will be important to control this aspect of the proposal by condition and the levels information supplied with the application and also obtained independently will enable this to be practically applied. On the issue of height I am therefore content that no material difference or harm will occur as a result of the amended scheme.

- 5.7 Volume calculations have been carried out of the original dwelling, approved replacement dwelling and proposed replacement dwelling by three different officers in recognition that such calculations may be complex. From this assessment it is concluded that there is an approximate 7 per cent increase in volume between the approved replacement dwelling and the proposed and a 43 per cent increase in volume between the original dwelling and the proposed (although the original house did also have the benefit of an approved extension).
- 5.8 Taking volume differences on their own is however of limited value. These calculations do not reflect the overall perceived impact of the proposed scheme, particularly given that it is proposed to lower the overall ground level of the dwelling. These calculations do not take into account the proposed or approved basement, given that that is entirely below ground level and will have no external impact on the openness of the surrounding countryside or MGB. Nor do the calculations include the volume of the proposed outbuildings, given that the applicant could erect outbuildings to cover 50 per cent of the curtilage under Class E, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995. The proposed replacement garage and pool building are of the same volume as approved, although it is proposed to relocate the pool building.
- 5.9 I note the concerns raised relating to the proposed increase in volume of the proposal in relation to the existing dwelling and the calculations carried out on behalf of a neighbour to the application site. However, these calculations differ so much because they include the volume of the proposed outbuildings and basement and they do not measure the roofspace of the existing, approved or proposed scheme.
- 5.10 In light of the above considerations, I consider that the proposal will not be materially different in policy terms from the approved scheme. In this respect and in the context of the site and its surroundings I am of the opinion that the proposal will not have a detrimental impact upon the openness of the surrounding countryside or the MGB.
- 5.11 There are many different styles of dwellings in the vicinity, which have been built in different eras. The plot is surrounded by trees, which will partially screen the dwelling from view. I note the concerns raised that the proposal would have a detrimental impact upon users of a nearby public footpath. However, this footpath is situated over 220m from the proposed dwelling and therefore I do not consider that the proposal will have a significant impact upon this PROW. I am of the opinion that no adverse impact on the area and landscape will be caused by this amended proposal.

- 5.12 I am satisfied that the proposal will not result in a loss of privacy, light or outlook to any adjacent properties, given that the proposed dwelling would be situated within a relatively spacious plot and is a sufficient distance from adjoining properties to ensure that these residential amenity issues will not be harmed. As such, I am of the opinion that the proposal accords with Policy P4/11 of the TMBLP.
- 5.13 There is a condition attached to the existing planning permission for the replacement dwelling which seeks to control the level of the floor slab in relation to existing ground levels on the site. The way this condition works is that the finished floor level has to be judged in relation to level stations on the submitted application drawings which were verified by an independent survey commissioned by the Council.
- 5.14 Concerns have been raised that since planning permission was granted for the approved replacement dwelling there have been a number of changes to the ground level of the site, mainly arising from maintenance works carried out to the nearby pond. The site has been inspected since these works were carried out and although it was found that there have been some relatively minor changes in ground level on parts of the site, there was no evidence of any recent significant changes. It was noted that there had been some minor changes to ground levels near to the entrance to the site, but these were not significant in terms of the site as a whole. As such, I am of the opinion that such a condition can be implemented and be enforceable. I can see no justification for requiring the applicant to carry out another topographical survey as there are many locations where spot heights have not changed and therefore it is entirely possible to relate back to existing datum levels. I should also advise members that officers from the planning and building control sections are closely monitoring current site works and have established already with site personnel the importance of levels and compliance with the conditions of any planning permissions.
- 5.15 I note the concerns raised about the size of the basement, and the extent of the excavations that have taken place on site. The proposed basement shows some marginal differences in area to the approved scheme. However, given that that is proposed below ground level these alterations will not have an external effect in terms of the impact of building on the openness of the surrounding countryside or MGB. Due to the nature of the basement construction the initial excavation work will have caused the basement to appear larger than the finished size of the basement.
- 5.16 Given that the proposal is for a replacement dwelling, it is not appropriate to require a scheme of landscaping to be submitted for approval. Whilst there has been some work carried out to trees adjacent to the pond, this has been work to maintain the health of the trees. I do not consider any of the mature trees adjacent to the pond to be under threat. Indeed the allegations made as part of the representations on this application regarding the removal of trees have been fully investigated by officers and are unfounded.

5.17 I note the concerns that the application is seeking to rearrange the historic domestic curtilage of the dwellinghouse. The application form submitted with the application does not indicate that the applicant is applying for a change of use of land. An informative can advise the applicant that such a change of use is not permitted by granting planning permission for the current proposal.

5.18 Concerns have been raised that the site location plan does not correspond with previously submitted site location plans or the Title Deed Plan and OS Plan submitted by a neighbour. The submitted site location plan appears to be very marginally different from Title Deed Plan. These are very minor discrepancies between the versions of plans. The submitted location plan identifies the application site, including the access from the public highway, clearly for the purposes of determining the planning application. There are also concerns that the site location plan and the location plan do not correspond. I have compared the two plans and am unable to identify any significant discrepancies.

6. Recommendation:

6.1 Grant Planning Permission

This was approved in accordance with the following submitted details:

Letter dated 17.10.06, Design and Access Statement dated 13.10.06 and plan nos 06Z1/LP, 06Z1/PL/01, 06Z1/PL/05, 06Z1/PL/300, 06Z1/PL/101, 06Z1/PL/100, 06Z1/PL/201, 06Z1/PL/200, 06Z1/PL/02, 06Z1/PL/03, 06Z1/PL/04, 06Z1/PL/00, 06Z1/TS, 06Z1/EX/04, 06Z1/EX/01, 06Z1/EX/02, 06Z1/EX/03 and 06Z1/EX/00.

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 This permission shall be an alternative to the following permission(s) and shall not be exercised in addition thereto, or in combination therewith. (Permission(s) granted on 02.06.06 and 09.08.06 and under reference(s) TM/06/0255/FL and TM/06/02136/FL). (B001)

Reason: The exercise of more than one permission would result in an overintensive use of the land.

- 3 The hereby approved development shall be carried out in accordance with the details and samples of materials to be used externally, approved on 09.08.06 and 07.09.06 and under references TM/06/2098/RD and TM/06/2592/RD.

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

- 4 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 and D, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: The site lies within the Metropolitan Green Belt and outside the settlement confines of Shipbourne. Any further extensions and additions to this property may be disproportionate to the size of the original building which would harm the openness of the Metropolitan Green Belt.

- 5 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.

- 6 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.

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

- 7 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.

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

- 8 The garage shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom.
- 9 Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.
- 10 The ridge height of the hereby approved dwelling shall not exceed 29.11m, as indicated on plan no 06Z1/PL/100 in comparison with the levels indicated on the application drawing 06Z1/TS received 20.10.06.

Reason: In the interests of amenity of the locality.

Informatives

- 1 The applicant is advised that, given that the access to the property is a private drive, and in the interests of good neighbourliness, reasonable steps should be taken to minimise damage that may be caused to the drive during demolition and construction works. It is suggested that, should any damage to the drive occur that can be reasonably attributed to the demolition and construction works, this should be made good at the end of the project.
- 2 The applicant is advised that no damage to existing trees should be caused during demolition and construction works.
- 3 The granting of this planning permission does not purport to convey the change of use of any land outside of the existing lawful residential curtilage.

Contact: Glenda Egerton