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<b>Platt</b> Borough Green And Long Mill	<b>562366 156809</b>	<b>5 April 2007</b>	<b>TM/07/00292/FL</b>
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Proposal: 5 bedroom house with integral garage to replace existing bungalow

Location: Orchard Cottage Comp Lane Platt Sevenoaks Kent TN15 8NR

Applicant: Mrs S Barfield

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**1. Description:**

- 1.1 This application proposes to construct a new two storey five bedroom dwelling with integral garage to replace the existing single storey bungalow and garage currently on the site.

**2. The Site:**

- 2.1 The site is located within rural settlement confines and adjoins the Platt Conservation Area. The site is well screened along all boundaries with landscaping that is located on both the application site and adjoining sites, particularly the south-eastern side boundary and along the length of the current bungalow on the north-western boundary.
- 2.2 The area is characterised by large sites with large two storey dwellings and plenty of open space between the principal buildings. I note that the application site and the adjoining site to the north-west, Woodside, are smaller properties but still maintain the spaciousness of the area with smaller scale and compact dwellings in keeping with the size of their sites.

**3. Planning History:**

TM/06/02920/FL      Refuse      13 November 2006

5 bedroom house with integral garage to replace existing bungalow.

- 3.1 A previous application (TM/06/02920/FL) for a two storey, five bedroom dwelling with integral garage was refused on the basis that it was contrary to policy P4/11 of the TMBLP 1998 as it would result in cramped development of the land, where the dwelling would occupy almost the whole width of the site, and would be out of character with other development in the immediate locality, the area being characterised by dwellings located central to their sites with generous open space to boundaries; and also because the proposal would result in a serious loss of privacy for the occupants of the adjacent dwellings because of overlooking.

**4. Consultees:**

- 4.1 PC: Object. The amended application does not seem to address the concerns expressed by TMBC in relation to the original proposal. It is not much different in terms of bulk and the balconies at the rear, which presumably gave rise to the worry about overlooking.
- 4.2 KCC (Highways): No objection. The access and parking area are suitable.
- 4.3 DHH: No objection. The site is not identified as one of potential concern, however as the proposal involves demolition of the existing cottage there is the potential for contamination/asbestos to be present. Conditions/informatives recommended regarding contamination and asbestos.
- 4.4 KCC (Fire and Rescue): No objection. Fire access is satisfactory.
- 4.5 Private reps: (8/0X/12R/1S).

The letter in support of the application comments that: The building proposed will be of far better quality than that which stands on the site.

The 12 objections received raise the following concerns:

- Objections from the previous application are still relevant – cannot see how previous objections have been overcome: will still result in cramped development of the land and be dominant and out of character with the existing housing, will affect the privacy of adjoining sites.
- The house is far too big for the small site and will overlook and overcrowd existing properties and be out of character with the area.
- Would have no objection to a new bungalow on the site provided it was in keeping with the existing area.
- The existing bungalow is adequate and fits the site and surroundings. The proposal is more acceptable in an urban environment rather than a village.
- Goes against the Parish Council wish to promote/retain a diversity of housing in the village and retain a semi-rural character. This large house will replace a small bungalow – St Mary's Platt is becoming a village of large houses which needs smaller houses to ensure a mix of people in the village. Concern about depriving the older people of Platt downsized housing options in their community.
- The proposal will have a negative impact on traffic levels. Access to the site is poor and visibility is limited and a dwelling of this size will generate additional

traffic movements on a narrow section of Comp Lane exacerbating existing problems.

- Concern that the site is subject to a covenant restricting any development to single storey.

## **5. Determining Issues:**

- 5.1 The site is within Rural Settlement confines where the principle of a replacement dwelling is acceptable under policy P6/1 of the TMBLP and policy HP5 of the KMSP. The main issues are whether the proposal will unacceptably harm the amenities of neighbouring residents, the character of the area and street scene in general, including the setting of the adjacent Conservation Area.
- 5.2 The key policies to consider in relation to the proposal are policies QL1 of the KMSP 2006, and policy P4/11 of the TMBLP 1998. Policy QL1 outlines that the design of development should respond positively to the scale, layout, pattern and character of the local surroundings and not be detrimental to the built environment, amenity or character of settlements. TMBLP 1998 policy P4/11 essentially follows a similar line to the KMSP policy by requiring consideration of scale, mass, form, layout, siting, height, quality of design and materials and their impacts on adjacent buildings and the surrounding area.
- 5.3 The current proposal is for a two storey dwelling of broadly similar scale to the previous application, however, several changes have been made that address the loss of privacy, dominance of the building and cramped development of the site. The width of the two-storey part of the building has been reduced from 14.8 metres to 12.4 metres, with an additional single storey element 1.8m wide at the side, accommodating the garage. The overall plot width is 7.2m. The setback to the south-east boundary remains at 1.2m but, to the north-west boundary, the previously proposed setback of 1.2m is increased to 1.8m to the single storey garage portion of the building, increasing to a 3.6 metre setback for the two storey bulk of the building. The length of the building remains the same (13m) along the south-east boundary, although it is noted that it increases to 15.6 metres along the north-west boundary due to the single storey garage being stepped forward of the remainder of the building. The reduction in width of the building and the siting of the integrated single storey garage along the north-west boundary reduce the visual dominance of the building as viewed from the street and also from the adjoining property to the north-west, and retains a level of spaciousness around the building similar to the existing bungalow footprint. I also note that the height of the roof line has been reduced by approximately 0.5 metres along the majority of the flank elevations.
- 5.4 The site lies outside, but adjoining, the Conservation Area, the boundary running to the south-eastern side and front of the site. The existing building contributes little to the setting of the Conservation Area and, given the above assessment of

the overall impact of the proposed dwelling within its site, I am satisfied that it will not harm this setting.

- 5.5 With regard to effects on the privacy of adjoining neighbours, I note that the only windows proposed on the flank elevations at first floor level are bathroom windows which are to be glazed in obscured glass, and will not have an adverse effect on the privacy of neighbours. This can be secured by a condition of any planning permission. The previous application included balconies to the rear elevation, accessible from bedrooms. The current proposal includes false balconies (“juliet rails”) which will not afford a vantage point beyond the rear wall and thus will not affect the privacy of adjoining sites.
- 5.6 Existing scrub woodland planting is to be removed from the front of the site to allow changes to the access/parking areas. I consider that it is appropriate to require the submission of a landscaping plan for the road frontage of the site. Landscaping along the road frontage of the site will reduce any potential adverse effects on the street scene of Comp Lane and can be designed such that it is in keeping with the character of the area.
- 5.7 Kent Highways have assessed the proposal with regard to parking and access requirements. They raise no concerns noting that ample curtilage parking is available on the site to accord with parking and turning requirements. Several conditions and informatives relating to parking space provision, provision of turning area, works affecting the public highway and surface water drainage have been recommended. Consultations have raised some concerns about the proposal resulting in an increase in traffic movements and thus impacting on the traffic environment of Platt. However, I do not consider this to be an overriding issue as the proposal is for the replacement of a residential unit which already exists on the site and will not create a noticeable increase in traffic over and above what is currently allowed for. It should be noted that the previous refusal did not include a highways ground of refusal.
- 5.8 DHH has assessed the proposal and raises no objections. It is noted that due to the demolition of the existing bungalow there is the possibility of asbestos being present and any other potential contamination on the site is unknown. Conditions and informatives relating to site contamination and the handling of any asbestos are recommended.
- 5.9 Consultation responses have raised concerns about the site being subject to a covenant restricting any development to single storey. This is a private legal matter which falls outside the jurisdiction of the planning system. Any planning permission granted does not purport to convey any other legal rights or permissions.
- 5.10 On balance, I consider that this proposal has addressed the reasons for the refusal of TM/06/02920/FL. Although the proposed dwelling is large, the reduction in bulk and dominance of the building, and the increased setback from boundaries

result in a proposal that is not considered to be cramped development of the land. The omission of balconies and the provision of obscured glazing to first floor windows on flank elevations result in a proposal that will not create adverse effects on the privacy of neighbouring properties. Accordingly, I consider that the proposal is acceptable in terms of policy QL1 of the KMSP 2006 and policy P4/11 of the TMBLP 1998.

**6. Recommendation:**

6.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement received 29.01.2007, Location Plan received 29.01.2007, Floor Plans and Elevations SB 406/3 received 29.01.2007, Photographs received 27.03.2007, Details received 27.03.2007, Details received 05.03.2007, subject to compliance with 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. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

3. 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 north-west and south-east elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

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.

4. The first floor bathroom windows on the south east and north west elevations shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the dwelling is occupied and shall be retained thereafter.

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

5. 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.

6. No building shall be occupied until the area shown on the submitted plan as 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.

7. Whilst the development is being carried out, site contaminants are found in areas previously expected to be clean, the work shall cease immediately, and no further work shall be carried out until a remediation strategy has been submitted to and agreed by the Local Planning Authority. The remediation strategy shall be implemented by the developer prior to the first occupation of the development.

Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

A closure report shall be submitted by the developer stating that remediation has been carried out and certifying that the site is suitable for the permitted end use.

Reason: In the interests of amenity and public safety.

8. 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

**Informatives**

1. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highways Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
2. Surface water from private areas is not to discharge onto the public highway.
3. Owing to the likelihood of the existing buildings containing or being constructed of asbestos products, the applicant should contact the Health and Safety Executive for advice and the submission of a suitable method statement. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.
4. This planning permission does not purport to convey any other legal rights or permissions.

Contact: Kathryn Stapleton