

3. Planning History:

TM/69/10284/OLD Grant with conditions 20 August 1969
(MK/4/69/318)
Erection of double garage.

TM/80/10632/FUL Grant with conditions 23 September 1980
(TM/80/919)
Erection of single storey extension to side and rear to form lounge, bedroom, bathroom and storage.

TM/85/11191/FUL Grant with conditions 5 July 1985
(TM/85/681)
Application for renewal of consent for single storey extension to side and rear of existing bungalow.

TM/90/11646/FUL Grant with conditions 26 March 1990
(TM/90/189)
Renewal of consent for single storey extension to side and rear of existing bungalow (TM/85/681).

TM/95/00361/FL Grant with conditions 20 March 1995
(TM/95/0159)
Renewal of consent TM/90/0189 for single storey extension to side and rear of existing bungalow.

TM/00/00252/FL Grant With Conditions 20 March 2000

Renewal of planning permission ref: TM/95/00159/FL for erection of single storey side and rear extensions.

TM/05/00186/FL Grant With Conditions 15 March 2005

Variation of condition 1 of planning permission ref: TM/00/00252/FL (erection of single storey side and rear extensions) to renew time period for a further five years.

TM/06/02168/FL Grant With Conditions 24 August 2006

New garage and tractor store with forecourt.

TM/06/03769/FL Refused;
Appeal Pending 15 January 2007

Demolition of Spring Cottage and outbuildings and construction of replacement dwelling with new access, parking and turning space with landscaping and improved visibility at junction of Bewley Lane and Tonbridge Road.

4. Consultees:

- 4.1 PC: Objection - are concerned that the existing property is of historic interest having been a former toll house. The proposal is effectively a new building in the Green Belt and not a replacement dwelling. The proposal contravenes TMBLP policy. If permitted, restrictions should be attached to prohibit further additions.
- 4.2 KCC Highways: No objections subject to conditions.
- 4.3 Private Reps: 3/1S/1R/0X.+ Site & Press Notices.

The objection comments that the existing building is of significant historical interest on its current site. It is either the last, or next to last, Toll House in Kent and should be Listed. The new property is an entirely different and an inappropriate building. The rural setting is affected within a Green Belt area and the building is on a new footprint.

The letter of support states that: Our property lies immediately opposite Spring Cottage, and the fact that there is a proposed improvement to visibility at the junction of Bewley Lane and Tonbridge Road within that application, can only be seen as a blessing. Indeed, on a couple of occasions the actual building has been hit by a vehicle, and there have been quite a few near misses. As far as redevelopment of the building is concerned, it is currently mean and unattractive, and does nothing to enhance the area. There have been several recent re-developments within the immediate location, namely Apple Tree Cottage, Paxton Farm and High Cross House, which have benefited our area considerably, and enhanced the look and feel. Therefore, having inspected the plans, we wish to place on record that we have no objections to the proposed development, and feel it would be a positive contribution to the area.

5. Determining Issues:

- 5.1 The site is located within open countryside and is designated as falling within the Metropolitan Green Belt (MGB) and the Kent Downs Area of Outstanding Natural Beauty (KDAONB). There are no other dwellings located in close enough proximity to be materially affected in terms of residential amenity with regard to loss of light, privacy or outlook. KCC Highways raise no objection.
- 5.2 The key determining issues are, therefore, whether the building is of listable quality and therefore replacement is not justified, whether the proposed replacement dwelling represents an appropriately proportionate structure in comparison to that of the original property, and whether or not the proposal would harm the appearance and rural character of its KDAONB countryside location.
- 5.3 The Department of Culture Media and Sport has been asked, by third parties, to list this building but has decided not so to do as the building has been substantially altered and is not a unique example – thus I do not consider that replacement can

be resisted in principle. While the site falls within open countryside designated as MGB and KDAONB, none of these policy designations and the relevant national and strategic policies presume against the principle of providing a 'one for one' replacement dwelling - providing that any increase in size or bulk of the replacement dwelling would not have a harmful impact upon the functioning of the MGB. Furthermore, policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 specifies that in the countryside development will be restricted to '*(b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use*'.

- 5.4 The PC has expressed concerns that the new dwelling would not be sited in the same position as the existing dwelling. The proposed dwelling is sited on a more elevated part of the site than the original; however, I also note that it is set back further from the road, and thus has reduced impact from that perspective. The applicant also proposes increased woodland planting to provide additional screening, without compromising the improved sight-line achieved by the new access.
- 5.5 Although sited on elevated ground, the overall height of the proposed dwelling has been reduced from the previously refused scheme by 1.1m on the main block, 0.92m on the west wing and 1.86m on the east wing. The applicant has also provided perspectives showing the existing building and buildings allowed by extant permissions, and the proposed building. I consider that the size and bulk of the proposed dwelling has been reduced sufficiently to now be comparable to the existing dwelling and approved buildings. It is also noted that the current proposal incorporates garaging, without increasing the footprint of the building, and thus reduces the future likelihood of any additional outbuildings being constructed on the site. I consider that the proposed dwelling will not adversely affect the openness of the Green Belt and is therefore deemed to be appropriate development in terms of PPG2, policy SS2 of the KMSP 2006, saved policy P6/10 of the TMBLP 1998 and policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007.
- 5.6 Additionally, because the site lies within the KDAONB, it is important to consider whether or not the proposals would harm the appearance and rural character of this location. Relevant planning policy in this respect includes EN1, EN4, and HP5 of the Kent & Medway Structure Plan and policies CP7, CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and saved policy P6/10 of the Tonbridge & Malling Borough Local Plan 1998. As discussed above, the proposal is for a replacement dwelling, and although sited in a different location to the existing, and consisting of a different make-up of buildings, the overall bulk and size of the building is deemed appropriate for its Green Belt/countryside location. Furthermore, the character and landscape amenity of the site will be enhanced by the proposed additional woodland planting to be in keeping with the existing setting.

5.7 I consider that the proposed replacement dwelling represents an appropriately proportionate structure in comparison to that of the original property, and would not harm the openness, appearance and rural character of its KDAONB and Green Belt countryside location.

6. Recommendation:

6.1 **Grant Planning Permission** 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 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 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 development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

5 The existing dwelling and garage shall be demolished within one month of the first occupation of the new dwelling hereby permitted, if not demolished previously, and all arisings therefrom shall be removed from the site.

Reason: To prevent the erection of an additional dwelling in an area where it would not normally be permitted.

6 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 7 The use hereby permitted shall not be commenced until the existing vehicular access to Bewley Lane has been closed permanently.

Reason: To ensure the safe and free flow of traffic.

- 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.

- 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.

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 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.

- 11 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.

- 12 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 Class A, B, C, D and E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to regulate and control any such development, bearing in mind that this will be a replacement dwelling to the Green Belt and the policy considerations that this gives rise to.

- 13 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 14 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 24.08.06 and under reference(s) TM/06/02168/FL).

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

- 15 The new sightline detailed on drawing no. 060801-04A shall be provided within one month of the first occupation of the new dwelling, if not provided sooner, and shall at all times thereafter be kept free of any obstruction to vision exceeding 1.05 metres in height above the level of the adjacent carriageway.

Reason: To ensure the safe and free flow of traffic.

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