

Shipbourne **557861 151877** **6 August 2007** **TM/07/03048/RD**
Borough Green And
Long Mill

Proposal: Amendments to approved development, including changes to the landscaping scheme submitted pursuant to condition 6 of planning permission TM/00/02509/FL (Demolition of existing buildings and erection of new dwelling, and detached garage) and minor changes to layout of parking and turning areas

Location: The Meadows Hildenborough Road Shipbourne Tonbridge Kent TN11 9QA

Applicant: Mr And Mrs Mullally

1. Description:

- 1.1 The application seeks minor amendments to the previously approved landscaping scheme (TM/02/1036/RD) submitted pursuant to condition 6 of planning permission TM/00/02509/FL (Demolition of existing buildings and erection of new dwelling and detached garage) on the site at The Meadows, Hildenborough Road, Shipbourne. The application also addresses minor changes to the layout of the vehicle access, parking and turning areas on the site.
- 1.2 It is noted that the application is largely retrospective, with the majority of hard surfacing and landscaping already established on the site. At last inspection, the proposed entry gates and hedging along the western site boundary had not been implemented.
- 1.3 The applicants have provided an additional plan dated 23.11.2007, which shows correct measurements and boundary lines of the site. It is acknowledged that the eastern boundary of the site may represent some minor discrepancies with the Council's independently commissioned survey plan from 2004, however, given that all works proposed by this application are deemed to fall within the red line of the original application site, the Council is within its right to make a decision on the proposal. Any boundary dispute issues are outside the Council's jurisdiction and are private legal matters for the relevant land owners to pursue.

2. The Site:

- 2.1 The site is located within the Metropolitan Green Belt and adjoining an Area of Outstanding Natural Beauty. The site was previously located within a Special Landscape Area, however, this designation under the Tonbridge and Malling Borough Local Plan 1998 has not been carried forward to the Tonbridge and Malling Borough Core Strategy 2007, and therefore no longer applies to this site.

2.2 The site contains the existing (new) two storey dwelling and detached garage, as well as a number of hard and soft landscaped areas that are proposed by way of this application. Access to the site is gained from a shared right of way/driveway located to the west of the site. This driveway is not in the applicants' ownership.

3. Planning History:

TM/00/02509/FL Grant With Conditions 6 July 2001

Demolition of existing dwelling, outbuildings, stable block and workshop/garage and erection of new dwelling and detached garage.

TM/01/02660/RD Application Withdrawn 18 February 2002

Details pursuant to condition 6 of consent ref: TM/00/02509/FL (demolition of existing and construction of new dwelling) and being landscaping details, including planting 9 trees, felling leylandii hedge, individual leylandii and fruit trees.

TM/02/01036/RD Grant 29 July 2002

Details pursuant to condition 6 of consent ref: TM/00/2509/FL (replacement dwelling) and being a scheme of landscaping and boundary treatment.

TM/04/00952/ORM ORM refused 16 August 2004

Minor amendment to planning permission TM/00/02509/FL (demolition of existing dwelling, outbuildings, stable block and workshop/garage and erection of new dwelling and detached garage) involving dormer windows and loss of dormer window on side elevation.

TM/04/02139/RD Grant 12 August 2004

Details of materials submitted pursuant to condition 2 of planning permission ref. TM/00/02509/FL (demolition of existing dwelling, outbuildings, stable block and workshop/garage and erection of new dwelling and detached garage).

TM/04/02140/FL Section 73 Approved 12 August 2004

Application under Section 73 to vary condition 10 of consent ref. TM/00/02509/FL (demolition of existing dwelling, outbuildings, stable block and workshop/garage and erection of new dwelling and detached garage) to alter the ground level at which the dwelling is constructed.

TM/04/03661/RD Grant 9 December 2004

Alternative details of hanging tiles submitted pursuant to condition 2 of planning permission ref. TM/00/02509/FL (demolition of existing dwelling, outbuildings, stable block and workshop/garage and erection of new dwelling and detached garage).

TM/05/00546/ORM ORM approved 26 April 2005

Minor amendment to planning permission ref. TM/00/02509/FL (demolition of existing dwelling, outbuildings, stable block and workshop/garage and erection of new dwelling and detached garage) involving alterations to positioning of single storey projection on rear elevation.

TM/05/02436/FL Refuse 13 February 2006
Appeal Dismissed

Creation of new access and realignment of hedge.

TM/06/00358/FL Section 73A Approved 19 May 2006

Section 73a retrospective application: Installation of replacement treatment plant.

TM/06/01549/FL Grant 15 June 2006

Installation of replacement oil tank (retrospective).

4. Consultees:

4.1 PC: Shipbourne. No response as yet. Any response will be reported in supplementary report.

4.2 Private reps: 5/0X/19R/0S, including several letters from certain consultees. Consultations in objection raise the following concerns:

- Dominance and overlooking of rear terrace which is three times larger than original patio plan and significantly higher. The terrace is disproportionate and harmful to the openness of the Green Belt and visible from outside the site, thus reducing amenity.
- Significant amounts of topsoil added to raise ground height prior to the construction of the 1.1 high terrace wall.

- The terrace should be the subject of a separate planning application as Permitted Development rights were removed from the original application.
- Terrace located only 1m from the unscreened western boundary – loss of privacy.
- Concrete washing line area and ramp in addition to the large terrace.
- The terrace is not a like-for-like replacement of the approved patio.
- Loss of mixed field hedge along the west boundary – required by a condition of a previous application no longer shown.
- The replacement hedge has been shortened to screen only the mown lawn area, not the full length of the western boundary as previously approved.
- Gates and pillars are pretentious and totally out of character and context of the rural setting. Huge gates and pillars will be visible from the public road.
- Verge of the shared drive incorporated into the front garden – legality, safety and visibility issues.
- Paved entrance raised and extended onto the avenue marring the line and beauty of the avenue. ‘Crossover’ widened and out of character.
- Applicant never applied to Council for permission to narrow asphalt of private shared driveway – not included in this application.
- The verges of driveway and tarmac have been damaged.
- Verges and metal estate fencing should be restored.
- Narrowing of driveway and further obstruction of driveway by boulders – highway safety issue due to narrowing of access from drive to Hildenborough Road. Concern over ability of emergency service vehicles to access the driveway.
- Parking area specified outside the fencing and gates – obstruction of shared driveway and unnecessary given the internal turning and parking area.
- Landscaping works ignore Shipbourne Design Statement by use of modern pavers, and kerbs and loss of verges.

- Height of close boarded fence is excessive being greater than 2m in places and out of character with historic wrought iron estate fencing. Detracts from the avenue of protected Horse Chestnuts and takes valuable light from the trees.
- The proposed gates do not soften views of the house, but result in a further intrusion into the rural character and at odds with local development principles. 5 bar gate with wooden posts would be less intrusive and in keeping with the immediate setting.
- No compelling argument for large solid gates for security and privacy when the site is open to the rear from a public footpath.
- Plans are inaccurate and in some parts fall outside the 'red line' of the original application. Width of site on inaccurate plans is 2m wider to the west and 0.6m to the drive verge than in reality.
- Plans do not accord with the Council's independently commissioned survey plan of the site.
- Nothing within this application mitigates the impact of this development.
- The application overrides conditions 3, 4, 5 and 6 that have been given a lot of consideration to make the new house acceptable in this SLA. These conditions even more important as the house was built larger due to inaccurate plans and levels altered. Reasons for the conditions 'to protect and enhance the appearance and character of the site and locality'.
- The already approved landscape plan is superior because: more trees of greater height, shrubs required under condition 5 have to be replaced and protected. Shrubs have been removed behind garage / oil tank against condition 5 and the garage was built 2m closer to the boundary than the approved plan.
- The site is a rural site overdeveloped. The Meadows dominates the avenue of chestnuts / area because of size and height – little spaciousness around the site.
- The first Horse Chestnut tree shown in incorrect location and now grass verge has been dug out and planted in a rose bed – beyond the site boundary and at the expense of an area of historic grass verge.
- The rose bed, wooden fence, laurel hedge and huge boulders alter the view of the site and historic avenue of Horse Chestnuts.

- Previous iron site boundary fence and 6ft high pillars along the drive boundary were removed. Now replaced with 8ft high pillars and close boarded fence.
- Parking outside the fence and gates would be on the private shared drive – an obstruction and a safety hazard.
- Developed lawn runs only half way down the garden – large areas remain ungrassed, unseeded contrary to plans.
- Amendment is lacking in detail, important planting reduced/omitted and more hard landscaping introduced.
- No winter planting / screening included.
- Further attempt at urbanising what is contrary to Metropolitan Green Belt policy, SLA and Council's policy for replacement dwellings in the rural area.
- All works have been unauthorised.
- Condition 3 required the removal of concrete slabs from the site – these have been incorporated into the patio area.
- The replanted hedge on Hildenborough Road presents a traffic hazard.
- Dwelling and other amendments all built / carried out without the prior approval of Council and in breach of planning conditions that are not in the interests of neighbouring amenity or privacy.
- The Council did not have the courage to refuse these earlier amendments to the conditions, because the house was already built, they did not see the plans were incorrect, and they had given the Members the wrong measurements of the house that was to be replaced at the original planning application.
- This amendment to the approved landscaping scheme for condition 6 adds nothing for the protection and enhancement of the appearance and character of the site and locality. It should be refused.
- Paragraph 6.2.8 of TMBLP specifies that Shipbourne, having many large open areas, is prone to having its 'open character' harmed. Close boarded gates would grate against the open feel of the countryside. Wrought iron gates would be more appropriate.

5. Determining Issues:

- 5.1 This application is largely an application to amend details of landscaping and boundary treatment previously approved under reference TM/02/01306/RD, submitted pursuant to condition 6 of planning permission TM/00/02509/FL. However, this application also deals with the introduction of some hard stand areas and minor amendments to the parking and turning layout.
- 5.2 Conditions of the original approval, TM/00/02509/FL, that are relevant to this application are:
- Condition 4 – removal of Permitted Development Rights pertaining to Class F (hard surfacing) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995)
 - Condition 5 – retention of existing trees and shrubs
 - Condition 6 – landscaping and boundary treatment details
 - Condition 7 – parking area
 - Condition 8 – turning area.
- 5.3 Key details in this application relate to: the amount, type and appropriateness of the soft landscaping proposed; the amount and scale of hard landscaping; amendments to parking and turning areas, and; boundary treatment including fencing and hedging. These issues are discussed in detail below.
- 5.4 It is noted that this application deals with reserved details and minor amendments only, and not with the principle of development of a dwelling on the site. A number of issues raised by consultees regarding enforcement on the site unrelated to the current submission will not be considered in this report. Neither will issues regarding land ownership as these are matters for private land owners to pursue, outside the remit of the Council as Local Planning Authority.
- 5.5 The application proposes a mix of lawn, tree planting and rose/flower bed planting within the site itself. At the front of the site, rose beds are proposed adjacent to the front of the dwelling and inside the proposed gates/entrance, and are also used on trellis to provide internal screening of utility areas. To the front of the dwelling all areas not in hard surfacing as part of the parking and turning areas are planted in lawn. The largest area adjacent to the boundary with Hildenborough Road consists of lawn with fruit, magnolia and silver birch trees. It is noted that several existing trees and the hedge along the road boundary with Hildenborough Road are retained (including the replanted portion of hedge). In my opinion, the soft landscaping at the front of the site results in a successful blend of formal residential garden space with more informally spaced tree plantings characteristic of rural sites. Boundary planting / treatment is discussed separately below.
- 5.6 To the rear of the dwelling, soft landscaping consists of lawn areas and flower beds / shrub planting on the raised terrace and along the terrace wall, with formal mown lawn extending approximately half way down the length of the rear garden.

Additional shrub planting is proposed to screen the septic tank to the south-east of the terrace. Beyond the formal lawn area the applicants propose to plant an informal wildflower meadow. I note that the most formal areas of planting in the rear garden occur on or adjacent to the terrace and dwelling, with undeveloped open lawn running into meadow. I consider that this merging of formal landscaping immediately adjacent to the dwelling, into the informal rural landscaping of the meadow planting is appropriate in this location – a rural/residential dwelling surrounded by countryside fields and other properties with varied landscaping. I also note that the landscaping proposed is located away from the avenue of protected Horse Chestnuts trees, thus the proposed planting does not compete with, or detract from, the amenity or health of the avenue of trees. Boundary planting / treatment is discussed separately below.

- 5.7 The proposal does include large areas of hard standing – particularly to the front of the site in the form of a paved access, parking and turning area. Although the alignment of this area differs slightly from that previously approved under TM/02/01036/RD, I note that the proposal only results in a marginal increase in hard stand area to the front of the site. The proposed access point from the private driveway of the application site and the shared access leading to Hildenborough Road has been realigned to form a more sweeping access, moving slightly closer to Hildenborough Road. This does increase the paved area linking to the shared driveway, however, it also provides a safer entry point for the site. I do not consider that the relatively marginal increase in the extent of paved area has a significantly harmful impact on the character or appearance of the site.
- 5.8 Council Officers have taken measurements of the width of the shared driveway at several points in the vicinity of The Meadows site. While it would be inappropriate for the Council to enter into any dispute regarding the ownership, condition or maintenance of the driveway (this is a private right of access issue), any impact of the proposed landscaping and boundary treatment works on the integrity of the driveway being used for access purposes is a valid consideration. On the shared driveway adjoining the application site but beyond the point of access into the site, is a white wooden post and rail fence and gate. The distance between the two posts, i.e. the width of the access way available for a vehicle to pass through, is 3.4 metres (measures at 3.0 metres between grass verge to grass verge). Council Officers have measured from the junction of the paved edge of The Meadows' access to the opposite side of the shared driveway – a width of 3.8 metres to an adjacent boulder and 3.35 metres to the edge of the grass verge. Another measurement has been taken between the boulder adjacent to the post and rail fence on the application site, across to a row of smaller white boulders marking the opposite side of the access from Hildenborough Road - a width of 3.7 metres. Based on these measurements, it would appear that the landscaping works on the application site have not reduced the width or integrity of the shared access way.

- 5.9 I note that the application also includes sealed footpaths providing access from the driveway and along the flank elevations of the dwelling. A small area of paving / access to the oil tank, including a low retaining wall, is largely screened by shrub planting. Located between the eastern flank of the dwelling and the boundary adjoining the shared access is a concrete pad containing a clothes line. This hard stand area itself will be screened by fencing and the dwelling, and partially screened by the terrace and septic tank shrubbery when viewed from the public footpath at the bottom of the site. The clothes line will be visible above the fencing of the site, however, the erection of a clothes line is normally deemed to be de minimis in planning terms. In my opinion, the additional hard standing areas and the amendments to the alignment of the parking and access areas proposed, are minor and largely utilitarian in nature – as can be reasonably expected immediately adjacent to a dwelling no matter where it is located.
- 5.10 Under the previous landscaping scheme a raised patio, at the same level as the dwelling, was approved. I note that a number of consultations have raised the issue of the height/level of the enlarged terrace proposed in this application. However, amendments to the ground levels of the dwelling were dealt with through planning application TM/04/02140/FL and thus, starting from that point, it has never been expected that the patio/terrace would be set at a level different to the dwelling itself. What is different in this application is that the paved patio area has been reconfigured and now extends the entire width of the dwelling. The current proposal now also incorporates an area of lawn and some flower beds / shrub planting within the terrace area, and it is bounded by a 1.1m high (maximum) retaining wall finished in bricks to match the dwelling. Although the overall effect is an enlarged terrace area, I note that the area of hard standing on the terrace is only marginally different to that approved under the previous landscape scheme. I note that concerns have been raised that the terrace area, extending closer to the boundary, affords views into neighbouring gardens. However, any view that may be obtained is not directly into the private garden areas, which are some distance away, and in any event the boundary planting referred to in para 5.12 will help to provide screening.
- 5.11 The retaining wall itself adds an additional element of built form to the site. However, I note that under Permitted Development rights the applicants could build a wall / fence within the site up to a height of 2m without requiring a specific planning permission to do so. The retaining wall has a maximum height of 1.1m and thus falls well within what could be established within the site as of right. In any event, I note that shrub planting is proposed along the bottom of the retaining wall which will partially screen and soften the appearance of the structure from beyond the site.
- 5.12 Turning now to boundary landscaping and treatment, in accordance with the details of the previously approved landscape scheme, TM/02/01036/RD, the applicants have stated that a mixed hedge consisting of Field Maple, Hawthorn, Blackthorn and Hazel in replacement of a former Leylandii hedge is to be

developed. In addition to this, additional hedging running the entire length of the western boundary is now proposed and will screen development on the site from the adjoining neighbours. I also note that hedging along the road boundary with Hildenborough Road is retained (including the section that has recently been reinstated).

- 5.13 A 2 metre high close boarded fence has been erected along the entire eastern boundary of the site, running from the proposed gate pillar to the bottom (southern end) of the site. Consultations raise concerns that portions of the fence are over 2 metres in height. Having inspected the site, I note the higher sections of fence seem to be in response to changes in the contour of the land along the boundary, whereas the general height of the fence does not exceed 2 metres. I note that under Permitted Development rights a fence of 2 metres in height could be erected along the boundary, notwithstanding the requirement of Condition 6 to submit details of boundary treatment. Although the proposed fencing along this boundary differs from the original iron fence, I consider that the effects of the fencing over and above Permitted Development rights are insignificant.
- 5.14 Between the proposed gate / entry to the site and Hildenborough Road is a 1.2 metre high post and rail fence, which although of different materials is very similar to the original fencing that is characteristic of the shared driveway. Immediately behind the post and rail fence is a laurel and yew hedge that has been planted with large, bushy shrubs that serve to provide an immediate screening and softening effect to the front of the site as viewed from the shared driveway and Hildenborough Road beyond. Three boulders have been placed at the base of the fence along the driveway, presumably to protect the fence from traffic on the driveway. I note that there are other boulders located along the shared driveway serving a similar purpose.
- 5.15 Solid oak 3.6 metre wide gates are proposed at the entry point to the site. These gates are to be inset from the boundary of the property and fixed to brick piers to match the brick of the dwelling, with a concrete apex, totalling 2.4 metres in height. While these gates will result in a more dominant presence on the site than the ironwork gates (which were also attached to brick piers) of the previous dwelling, they are not out of keeping in terms of either design or scale with other rural dwelling gates in Shipbourne and the wider Metropolitan Green Belt area of the Borough. They are admittedly different to other gates within the immediate area of the shared driveway, however, the aim of seeking to enhance and protect the character of an area does not necessitate the need to exactly copy all existing features of an environment. In any event, it is noted that the proposed gates are set back further into the site than the approved siting of the gates under planning permission TM/02/01036/RD. In addition to being set back further, the gates will largely be screened from Hildenborough Road by the post and rail fence and the laurel and yew hedging, and from oblique views within the shared driveway by the same and other boundary treatment.

- 5.16 Consultations have raised concerns about the establishment of a rose bed around one of the protected Horse Chestnut trees on the shared driveway, adjacent to the entrance of the application site. From a visual appearance point of view I have no concerns regarding the merit of the planting, however, if there is a dispute over land ownership and rights to carry out works on land in different ownership, that is a private legal matter between the relevant land owners that falls outside the discretion of the Council. The same applies to the contentious siting of the boulders to the front of the post and rail fence (as discussed in paragraph 5.13 above).
- 5.17 In conclusion, I consider that the proposed landscaping and boundary treatment is acceptable and will result in an appropriate blend between the residential environment and the rural landscape character of the area. Although many features differ from those established on adjoining sites, I do not consider that the proposals are immodest or detrimental to the openness of the Metropolitan Green Belt location.

6. Recommendation:

- 6.1 **Approve details** in accordance with the following submitted details: Email dated 04.10.2007, Letter received 04.10.2007, Letter received 06.08.2007, Detail gate piers received 06.08.2007, Letter received 06.08.2007, Detail planting schedule received 06.08.2007, Detail gates received 06.08.2007, Plan front garden received 04.10.2007, Plan rear garden received 04.10.2008, Letter received 23.11.2007, Detail gates and piers received 23.11.2007, Landscape plan received 23.11.2007.

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