

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

Proposal:                      Amendments to approved 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) including minor changes to layout of parking and turning areas

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

Applicant:                      Mr And Mrs Mullally

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**1. Description:**

- 1.1 Members will recall that this application was deferred at the Area 2 Planning Committee meeting on 5 December 2007 for a Members' site inspection. Copies of my previous report and the supplementary report are attached as an annex to this report. The site inspection took place on 15 January 2008 and was attended by a large number of private individuals as well as the applicants and Members.
- 1.2 Members viewed the site and the various elements that comprise the proposal both from within the site and from the private access track that runs alongside it and from Hildenborough Road. In particular, attention was drawn to:
- the relationship between the fencing and planting at the front of the site and the adjacent access track; local residents suggested that the track had been narrowed as a result of the development that has been undertaken and I shall refer to this aspect later in this report;
  - the proposed entrance gates and piers, and Members were able to see the gates which, although not erected, were being stored in the applicants' garage;
  - the close-boarded fence on the eastern boundary;
  - the raised terrace/patio area at the rear of the house, as well as other additional hard-surfaced areas within the garden.
- 1.3 At the site inspection it was noted that hedging had been planted along the western boundary of the rear garden, as replacement for that which had been previously removed, as was anticipated as part of the originally approved landscaping scheme. This appeared to be the only additional landscaping work that had taken place subsequent to the Committee meeting on 5 December.
- 1.4 Also, a number of photographs were displayed and circulated at the site inspection. These related firstly to the examples of other gateways in the locality that the applicants wanted to draw to Members' attention, in an attempt to show

that their proposals are not dissimilar, and secondly to the historical appearance of the site, and particularly its entrance arrangements, before the demolition of the previous house on this site. Following the site inspection, the application has been amended to incorporate these photographs as supporting information, and further public consultation has taken place on this additional information. As requested by Members at the previous Committee meeting, I have prepared a plan showing the location of the various “gateway examples” put forward by the applicants, and this plan was distributed to Members at the site inspection, and subsequently to all those who have submitted written comments on the proposal.

- 1.5 Following the site inspection, the applicants have amended the design of the proposed piers for the entrance gates. The piers have been reduced in height from 2.4m to 1.95m and the design has been simplified, removing the stone capping and embellishment. In support of this change, the applicants’ agent has submitted the following:

*In addition I attach amended plans of the proposed piers supporting the gates. These are now no taller than the gates themselves and have no ornamentation beyond a simple brick cap. Given the substantial laurel and yew hedge already becoming established between the gates and the road, public views will be extremely limited. Given that the gates are of muted-colour bricks that match those of the house, and the gates are of a plain oak design and finish, I cannot see that the design is in any way inappropriate, even if it were in full view from the road. It certainly is no less appropriate than the approved scheme gates and brick piers (shown very clearly in the photographs) which were closer to the access drive and road and would have been less well screened by planting.*

These amended plans have now also been the subject of public re-consultation.

## **2. Reason for reporting to Committee:**

- 2.1 This application is being reported back to Committee following a Members’ site inspection.
- 2.2 A number of concerns have been expressed to the Borough Council about the way the Members’ site inspection was conducted. The Chief Solicitor and I have reviewed these concerns and we are satisfied that nothing took place that will have prejudiced the overall process of consideration of this proposal. In particular, the additional material that was shown at the site inspection has now been incorporated into the application and has been subject to consultation.

## **3. Consultees (additional representations received subsequent to the supplementary report prepared on 5 December):**

- 3.1 Private reps: Six local residents/households have submitted additional representations, either as a result of the site inspection or following re-consultation on the additional information and amended plans. Some have submitted several

letters (up to five). Many of these letters are lengthy and very detailed in their content. Although I have attempted to summarise the main points below, Members may wish to inspect the full correspondence which is held on the file. The key points that have been raised appear to me to be:

- The additional hard surfaced areas are not “minor”, as the concrete slab, ramp and path alone are 74% of the size of the approved patio;
- The hedging on the western boundary does not run its entire length, as previously stated;
- The previous committee report was not honest and balanced;
- Solid gates are not in keeping with the rural locality; a question is asked about where such gates exist in the locality; the gates draw attention to the house rather than softening its impact;
- The access driveway leading from Hildenborough Road has been materially narrowed and this is harmful to the safety of all users of it, and prejudicial to highway safety in the main road itself; vehicles have been observed having difficulty negotiating this access, and this did not happen before; a further topographical survey should be undertaken to clarify this;
- The driveway and verge should be restored to their full width and length; it would be safer if the entrance to the drive was flanked by open grass verges rather than being narrowed by boulders and fencing;
- The post and rail fence is not characteristic of the driveway, as has been suggested, especially when seen in its historic context;
- The boundary treatment generally does not reflect the historic, rural style of the trackway; this does not respect the fact that this was the historic carriageway to Fairhill, a grade II listed building, and historic park and garden, and is therefore contrary to policy P4/11;
- Planting is not of native species;
- The examples of other gates put forward by the applicants are all on main roads and not in this locality;
- Other houses nearby have made do with open aspects such as five-bar gates and security cannot be an overriding issue here;
- The proposals are urban in nature, contrary to the aims of the Shipbourne Design Statement;

- Large amounts of soil were imported into the site to raise land levels and it is therefore misleading to judge the current proposals against what are now the surrounding levels;
- An Article 4 Direction should be issued to remove permitted development rights;
- The use of fencing, kerbs and walls has an urbanising effect, contrary to policy P6/19 designed to protect the character of rural lanes;
- The gates are not solid oak, as has been stated;
- The raised terrace is harmful to neighbours' privacy and can be seen from the public footpath further south.

#### 4. Determining Issues:

- 4.1 At the previous meeting when this application was considered, Members had before them a full and fairly detailed report that is reproduced as **annexed to this report**. Those Members who attended the site inspection will also have had the benefit of seeing the development and will have assessed it for themselves, especially as much of it is retrospective. I do not propose to repeat here what was said in the previous report, but rather I will respond to issues that have been raised since then, either at the site inspection or in subsequent correspondence.
- 4.2 Both at the site inspection and in the further representations received, a great deal of concern has been expressed about the effect of these proposals on the access track that leads from Hildenborough Road and runs past this site, serving the application property and others beyond. It has been suggested that the fencing and boulders that have been installed have reduced the width of the track at crucial points, and thereby harmed safety. I have taken the opportunity to review once again the actual width of the track. This has been done by taking measurements of the track on site as it currently exists and comparing these with the independent survey commissioned from Survey Solutions by the Borough Council in connection with earlier applications on this site, and also with the plans now submitted as part of this application.
- 4.3 This leads me to the conclusion that there has been no material narrowing of the track. Indeed, at some points along its length my recent measurements would seem to indicate that, if anything, it is now slightly wider than as shown on the Survey Solutions drawing. I am aware that the principal concern relates to the section closest to Hildenborough Road itself. At the site inspection the applicants asserted that one of the boulders, to which attention has been specifically drawn, is in the same location as one of the gateposts that formed part of the wall that was previously there. Having compared my recent measurements with the Survey Solutions drawing, I believe that to be true.

- 4.4 I have therefore reached the conclusion that there has been no material alteration to the actual width of the track that could be argued to result in a reduction in safety.
- 4.5 Members will note that the applicants have submitted a revised design for the piers either side of the main entrance gates. The reduction in height of these piers and a simplification of their design is, in my opinion, something to be welcomed as it will reduce their visual impact. I remain of the view that these gates and their piers are acceptable in this location. In saying this, I am mindful that, when viewing the site from Hildenborough Road itself, the gates will be substantially screened by the hedging that has been planted in the front garden. I am aware of the criticism that has been made of these features in relation to the advice contained in the Shipbourne Design Statement (SDS). It is true that SDS encourages boundary treatments that maintain openness and visual permeability into residential gardens. However, it remains the case that permitted development rights for walls, gates and fences were not removed by condition on the original planning permission and, therefore, the entrance gates and piers, being under 2m in height, could be erected without the need for a planning application being made to the Borough Council, irrespective of them being included in this application for an amended landscaping scheme.
- 4.6 It is, of course, also true that the principles laid down in the SDS provide *one* of the starting points for consideration of other elements of the scheme, such as the close-boarded fence along the eastern boundary, the post and rail fence, and the hedging. Members will recall that, at the site inspection, attention was specifically drawn to the height of the close-boarded fence exceeding the 2m permitted development limit. Clearly, as it does exceed this height, this fence is not permitted development. But the judgement that needs to be made is whether the amount by which it exceeds 2m is in itself harmful. Members will have been able to make this judgement for themselves, both in terms of its height, and in relation to its style, bearing in mind the views that have been expressed about the historic significance and appearance of the track way.
- 4.7 With regard to the raised terrace, or patio, at the rear of the house, I can confirm that the patio included in the originally approved landscaping plan, although not as wide or long, did clearly show steps leading down to the grassed area beyond. It is clear to me, therefore, that the intention was to construct this patio at essentially the same level as the ground floor of the house. This has not altered as a result of the current proposal and is as previously approved. I do not believe that the question as to whether there has been any significant land-raising within the rear garden generally has any bearing upon the impact and appearance of the terrace. Members will have noticed, at the site inspection, the recent re-planting of the hedge along the western boundary, and I believe that this will in due course re-instate to a reasonable extent the privacy previously afforded by the inappropriate planting that was previously removed. Members will have noted the relationship between the terrace and the neighbouring garden areas, and the distances

involved. In line with the Council's normal policy of seeking to protect the privacy of the most private areas of gardens, which is normally considered to be that immediately adjoining the house, I do not consider that the use of the terrace would unreasonably compromise the privacy of neighbours in this instance.

4.8 In the light of all these considerations, my recommendation remains one of approval.

**5. Recommendation:**

5.1 **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.

Contact: Neil Hewett