

voluntarily by the applicant. It is understood that the summerhouse and timber of the decking has now been removed voluntarily by the applicant.

1.9 The agent has submitted justification on behalf of the applicant summarised as follows:

- In our view the proposals represent 'appropriate development', in that they do maintain the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. Notwithstanding this, in order to address the Council's view that the development is 'inappropriate', we set out below the justification, or 'very special circumstances' for the proposed decking.
- It would not result in the unrestricted sprawl of large built-up areas or cause neighbouring towns to merge into one another. The development would safeguard the countryside from encroachment and would not affect the setting of an historic town. It is therefore considered that the proposal does not conflict with the aims of PPG2 or policy SS2 of the Kent and Medway Structure Plan.
- In our view, the proposed decking does not cause detriment to the character or setting of the Green Belt and its openness is maintained. Furthermore, there are no open views that would be affected by the proposal. Therefore, it is considered that the proposed development does not adversely affect the openness of the Green Belt, nor is it contrary to Development Plan policies.
- Further to this, a Unilateral Undertaking has been prepared which commits the applicant to maintaining a Laurel hedge on the boundary (in addition to the existing boundary landscaping) which will further enhance existing screening of the development, which is already shielded from view.
- Due to the steeply sloping nature of the garden, the property has little or no level or useable amenity space. The only alternative to provide useable and level amenity space would be earthworks, which the applicant seeks to avoid, due to likely impact on the AONB. It is noted that the applicant could undertake certain earthworks/landscaping without the need for a planning application. The provision of decking is the best way to avoid damage to vegetation and trees on the site.
- Historically, there has been decking on the site; one set of decking to the rear of the house and one at the bottom of the site. We understand that the previous decking to the rear of the house was significant in its size and that this was unstable. The proposed replacement decking (currently on the site) represents a secure replacement to the previous decking.
- In respect of the decking at the bottom of the site, while we disagree with the Council's assessment in this matter, the applicant is prepared to fully remove

the decking structure (in addition to the timbers that have already been removed). Further to this, we understand that the upper decking currently on site is comparable in size to the cumulative size of the two areas of decking that previously existed (i.e. the previous upper decking and the decking at the bottom of the site). In light of this, in our view, the decking to the rear of the house constitutes a suitable, useable alternative to the previous areas of decking, which can be accessed at the same level as the house.

2. Reason for reporting to Committee:

2.1 There has been a high level of local interest in the application.

3. The Site:

3.1 The site is residential, sited in the MGB and AONB. It includes the Halling to Trottiscliffe Downs SSSI to the NE part on the site.

3.2 The area is 2.5 acres (1 ha). It slopes down steeply from the Gravesend Road in a SE direction and is already terraced to a degree.

3.3 The site contains mature trees but there is no TPO on the site.

3.4 To the east is a residential property of Little Bowyer Cottage. To the south are properties in Pilgrims Way, set at a much lower level than the application site. To the west is a wooded SSSI.

4. Planning History:

MK/4/59/482B	Grant with conditions	23 July 1959
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Alterations and additions to 'Chalk Lodge'.

MK/4/70/363	Application Withdrawn	25 October 1971
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Covered swimming pool, billiard room, first floor flat.

TM/86/1602	Planning application required	12 November 1986
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Section 53 Determination: Swimming pool cover and games room.

TM/87/1118	Grant with conditions	30 September 1987
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Rear extension incorporating dining room, billiard room and bedrooms.

TM/87/137	Planning application not required	30 March 1987
Enclosure for swimming pool.		
TM/86/1722	Refuse	30 January 1987
Swimming pool enclosure.		
TM/87/509	Grant with conditions	26 June 1987
Loft conversion for use as playroom.		
TM/88/1783	Grant with conditions	8 February 1989
Conversion and extension of Coach House into Staff Accommodation.		
TM/89/497	Grant with conditions	10 May 1989
Two storey rear extension.		
TM/07/02162/FL	Approved	7 December 2007
Replacement of existing dwelling and triple carport/garage		
TM/07/04402/FL	Approved	6 February 2008
Retrospective application for garden gazebo structure		
ENF/07/00256/UNAWKS	Current	
Alleged unauthorised building works		

5. Consultees:

- 5.1 PC: Wrotham Parish Council object most strongly on the following grounds: the original balcony was a modestly sized and ornately stone balustrade area with two elegant stone staircases descending at 180 degrees from a central landing. The proposed two new areas of steel and concrete construction protrude significantly out of the natural slope of the North Downs at both of the proposed areas of construction. The openness of the Green Belt would not have been compromised had the applicant planned to replace the original construction with a new one of

similar size and mass. These protrusions would significantly affect the openness of the Green Belt and no special circumstances that outweigh the harm caused have been demonstrated. In addition the area is on the chalk scarp in an area of outstanding natural beauty and a special landscape area and next to an SSSI. The chalk scarp is a particularly important area as it is visible from the entire Greensand ridge below. No exceptional circumstances have been demonstrated to justify compromising the AONB and SLA in this way. *[DPTL note: SLAs no longer exist.]*

5.2 Private Reps: (site notice and 11/2R/0S/0X). 2 objections have been received.

- The applicant has either an ignorance of planning laws or a complete disregard for them, as much work has been carried out already without the necessary consent and no enforcement action (terracing, summer houses, decking).
- The two large terraces of decking area, cut into the hillside at the rear of the house, with the building of new retaining walls, do look rather unattractive being constructed of concrete. It is our opinion that they do not blend into the current environment and do detract from what is classified as an Area of Outstanding Natural Beauty. We would also ask you to bear in mind that during autumn and winter, when the trees are not in full leaf, any careless construction will be visible from far and wide.
- The decking is large and ugly and modern, the materials and form of construction do not blend in with the surrounding area, adversely affecting the AONB
- The area and volume of the decking represents a very large increase in the size of the existing dwelling in an AONB which is not appropriate.
- The southern edge of the decking is currently screened by trees but these will reduce the panoramic view and the applicant will remove them in future.
- The eastern boundary of the site includes SSSI, a representative of Natural England needs to be invited to the committee.
- All the planning breaches need to be considered together.

6. Determining Issues:

6.1 The site is in the MGB and the appropriateness of the decking and related engineering works needs to be assessed in relation to PPG2 (Green Belts) and Policy SS2 of the KMSP and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.

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- 6.2 In terms of the AONB, the development needs to comply with Policy EN4 of the KMSP, Policy CP7 of the Tonbridge and Malling Borough Core Strategy 2007.
- 6.3 Policy P4/12 of the TMBLP and Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 require development to respect amenities and the character and appearance of the site and its surroundings.
- 6.4 It is the case that in Green Belt terms, the works are significant development in terms of the area of the decking although the volume is less significant. The applicant's agent has submitted a case of VSC as summarised above.
- 6.5 The lower decking is set up on a painted blockwork retaining wall that is 1.5m high but most of the decking is cut into the bank. The upper deck/balustrade is obviously higher (3.5m above natural ground level).
- 6.6 In my view, the particular circumstance of this case is that the topography of the site necessitates this sort of engineered structure in order to provide meaningful level area as an amenity space, as otherwise the garden outside the rear of the house would fall away at a steep incline of 30 degrees.
- 6.7 In terms of the visual impact of the structure, it is necessary to take into account that the application proposes a significant reduction in the depth of the upper deck by approx. 4m. Since it is seen largely against the background of a chalk escarpment, despite its size it will not be as dominant as would be expected when viewed from neighbouring property or public vantage points. Thus its impact on the visual amenities of the Green Belt and the landscape character of the AONB is mitigated to a degree.
- 6.8 The visual impact is significantly reduced in my view by a 6m high laurel hedge on the boundary of Chalk Lodge. This effectively reduces the public visibility of the decking from public vantage points in the AONB and from Bowyers Field, the nearest residential
- 6.9 In terms of neighbouring residential amenities, the laurel hedge also serves in safeguarding the privacy of the nearest neighbouring garden of Bowyers Field. Other neighbouring property in Pilgrims Way is not overlooked by the decking, in my opinion, due to the mature tree belt in the rear of Archers Mead and in the garden of the application site.
- 6.10 In conclusion, I am of the view that the decking is inappropriate development in the MGB but that there is a case of very special circumstances which justifies the approval of development. The impact of the decking can be mitigated to an acceptable level by a unilateral undertaking that will retain the laurel hedge screen at a height of 6m in the long term. Other soft landscaping can be secured by condition to soften the more immediate impact of the retaining walls that form part of the lower deck.

7. Recommendation:

7.1 **Grant Planning Permission** as detailed by Design and Access Statement dated 25.09.08; Letter dated 25.09.2007, Letter dated 09.10.2007, Plan 789/07-A dated 09.10.2007, Email dated 24.04.08 subject to:

- The receipt of a Unilateral undertaking safeguarding the retention of the screening laurel hedge at a height of 6m
- The following conditions

1. Within 1 month of this decision, a scheme of landscaping shall be submitted for approval by the Local Planning Authority. All planting, seeding comprised in the approved scheme of landscaping shall be implemented during the first planting season following approval. 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.

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.

2. Within 3 months of this decision, the upper deck shall be reduced in size in accordance with drawing 789/07-A hereby approved and retained as such thereafter.

Reason: To accord with the terms of the application and in the interests of residential amenities, the Green Belt and Area of Outstanding Natural Beauty.

3. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. (D003)

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

Contact: Marion Geary