

**Mereworth**                      **566002 154590**    **26 March 2008**                      **TM/08/01027/FL**  
**(Mereworth)**  
Hadlow, Mereworth And  
West Peckham

Proposal:                      Erection of new build chalet bungalow  
Location:                      Land Adjacent 200 Butchers Lane Mereworth Maidstone Kent  
   ME18 5QF  
Applicant:                      Mr G Hume

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**1. Description:**

- 1.1 Planning permission is sought for the erection of a dwelling to the side of 200 Butchers Lane, Mereworth.
- 1.2 The proposed chalet bungalow would have a single living room, kitchen, two bedrooms, bathroom, one en-suite and utility room. Access would be via an existing access off Kent Street and an existing garage would be demolished to accommodate the proposal.
- 1.3 The existing dwelling would retain an existing second access off Butchers Lane and would have its own parking and turning area to the front. The proposed dwellinghouse would have a separate parking and turning area.
- 1.4 The proposed dwelling would be laid out on two floors with the first floor accommodation housed within the roof space. No roof lights are proposed though the roof design incorporates three barn-hip gables which each have a first floor window.
- 1.5 The design of the living space incorporates a vaulted roof above the living area and accordingly the port hole window at first floor on the front elevation is purely for light.

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

- 2.1 Called in by Cllr Mrs Anderson.

**3. The Site:**

- 3.1 The site lies within the built confines of Mereworth which is formed of a ribbon development running along Butchers Lane north from The Street and along The Street itself.
- 3.2 To the east of the site lies open countryside which is designated as Metropolitan Green Belt.

#### 4. Planning History:

TM/92/10074/OUT Refuse 23 January 1992

Outline application for erection of 4 detached dwellings following the demolition of the existing bungalow.

TM/93/00840/FL grant with conditions 29 March 1994

Erection of detached replacement garage, internal alterations and loft conversion incorporating dormer windows

TM/98/01278/FL Grant With Conditions 28 August 1998

Single storey rear extension and dormer window

#### 5. Consultees:

5.1 PC: No objection.

5.2 KCC (Highways): The submitted plan shows that room suitable to accommodate the parking of 2 vehicles is to be provided for the new dwelling whilst more than adequate parking is available to serve the existing dwelling. No objections.

5.3 DHH: General comments regarding refuse collection. Desk top survey in relation to potential soil contamination is required.

5.4 Private Reps: Two local residents (three letters in total) have objected to the proposal on the following grounds (in summary):

- Access to the proposed site. Kent Street is only 3m wide at the centre of the access and cars already park on the opposite side of the street to the access infringing on to the road and reducing access.
- Kent Street reduces to 2.5m further east and remains at that width. Drivers speed along Kent Street.
- Sight lines to the east are non-existent and vehicles travelling from the east are not seen until they reach the access.
- Although Mr Hume has an existing garage access it is rarely used. The property uses a second access off Butchers Lane.
- Relevance of refusal of planning applications TM/98/00873/FL and TM/98/00875/FL to this proposal.
- The existing gates and access were erected by the present owner without consultation with the Council and are not used.

- When the existing bungalows were applied for, originally permission was refused for 4 bungalows and TMBC gave permission in the end for three, now the fourth house has been resurrected. It is believed the fourth house was refused due to the access via Kent Street.
- The continued building of houses in gardens in the upper part of Butchers Lane is causing the character of the locale to change, it is no longer a collection of rural village houses, spaced with gardens but is becoming quite highly developed.

5.5 Article 8 Site Notice: No response.

## **6. Determining Issues:**

- 6.1 The site lies within the built confines of Mereworth where new minor development, which is appropriate to the scale and character of the settlement, can be considered appropriate under policy CP13 of the Core Strategy.
- 6.2 In terms of the layout and siting of the proposed dwelling, each house retains a modest garden, parking and turning space, and more importantly, accords with the pattern of development in this area of Butcher Lane. The height, proportions and scale of the proposed dwelling are similar to the existing bungalow and therefore retain a low level appearance which is characteristic of the adjacent dwellings. Accordingly, I consider the proposal to be appropriate to the scale and character of the settlement and in accordance with policy CP13 of the Tonbridge and Malling Core Strategy 2007.
- 6.3 The detailed design in terms of roof form, window detailing, eaves and ridge height are in keeping with the external appearance of the properties to the north. A streetscene elevation has been submitted to indicate how the proposed dwelling would sit from a street view. I consider that the proposal would sit comfortably within the site and its surroundings and would therefore accord with policy CP24 of the Tonbridge and Malling Core Strategy 2007 in this respect.
- 6.4 First floor windows are proposed on the gable ends of which face front, side (south) and rear over land which would belong to the proposed dwelling. No windows are proposed on the north flank of the dwelling at first floor level and ground floor windows would be separated by a boundary treatment yet to be agreed (likely to be a 1.6-1.8 close boarded fence). Accordingly, provided that permitted development rights are removed to limit new windows within the roof space of the new dwelling, I consider the proposal would not result in undue harm to residential amenity.
- 6.5 Each property would be served by its own access, each of which are established access points on the site. The new dwelling would be served by a gated access off Kent Street. Neighbours have raised objections in relation to the use of this access and hazards to road users. As the access is historic, the principle of its use is

established. However, the existing gates are not set back 5m from the edge of the highway, and accordingly I consider it appropriate that the existing gates are removed prior to the commencement of works and no new gates are erected within 5m of the back edge of the highway. KCC Highways has raised no objection to the proposal.

- 6.6 The historic planning application cited by neighbours related to a plot of land immediately to the east of the application site which lies outside the village confines and in open countryside which is designated as Metropolitan Green Belt. Accordingly, the material considerations in that case have no bearing on this application, which lies within the settlement confines.
- 6.7 The issue of surface water drainage and the capability of the existing soakaways – if any, has been raised by a neighbour. In light of the location of the site on a raised piece of land and having many dwellings lying on a lower level and in close proximity, I suggest a condition requiring details of surface water drainage to be submitted for approval.
- 6.8 DHH has requested the submission of a desk study in relation to possible soil contamination prior to the approval of planning permission. However, given the low risk nature of the site as a residential garden, it is unlikely that there would be contamination and accordingly in this case, it would be more appropriate to deal with any potential contamination via a planning condition.
- 6.9 In light of the above considerations, I am satisfied that the proposal would accord with relevant policy and subject to the stipulated conditions, would not give rise to undue harm to visual or residential amenity or any other issue of acknowledged importance. I therefore recommend approval.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 26.03.2008, Design and Access Statement dated 26.03.2008, Location Plan 7-086-001 dated 26.03.2008, Letter dated 10.06.2008, Floor Plans And Elevations 007-086/002 C dated 10.06.2008, subject to:

### **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 of the existing building or the visual amenity of the locality.

3. 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.

4. 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.

5. 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.

6. 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 roof of the building 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 the amenity and privacy of adjoining property.

7. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

8. No development shall take place until details of proposed slab level have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

9. No development shall take place until details of surface water drainage have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not result in run off into the highway and any soakaways are sufficient for this location.

10. The existing gates on the access to Kent Street shall be removed prior to works commencing on the site and no gates shall be erected on this access, without the prior written consent of the Local Planning Authority, unless those gates are set back at least 5m from the back edge of the public highway.

Reason: In the interests of highway safety and the ability of a vehicle to wait off Kent Street while any gates are opened.

**Informatives:**

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to [trevor.bowen@tmbc.gov.uk](mailto:trevor.bowen@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
3. The applicant is advised that the Council operates a wheeled bin, boundary of property refuse collection service. Where there are shared private drives, bins should be left at the nearest point to the public highway on the private drive (on the relevant collection day).
4. The applicant is advised that surface water from private areas is not to discharge on to the public highways.
5. With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.

Contact: Lucy Stainton