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- 1.6 The dwelling proposed adjacent to The Rectory (Plot 1) would have a catslide roof detail to the west and a two storey gable feature on the right of the front elevation. Brick and weatherboarding is proposed. The overall height to the ridge is 7.5m, although there is a large section of flat roof within the roof design.
- 1.7 The proposed dwelling to the east (Plot 2) is proposed to have a cat slide roof to the west roofslope and a two storey gable to the right hand side of the front elevation. The ridge height is proposed at 6.6m. Bricks and vertical tile hanging details are proposed.
- 1.8 The proposal has been amended from the previous application, and the siting has been amended during the course of the application.
- 1.9 Both dwellings are proposed to be set at a lower slab level than the existing bungalow by approximately 0.8m.
- 1.10 The current proposal differs from the previous application by:
- The first floor front projecting bay window to bedroom 3 in plot 1 has been removed and a window flush with the front wall of the dwelling is now proposed;
  - The first floor front dormer window to the ensuite bathroom serving bedroom 1 in plot 2 has been amended to be a two storey front gable;
  - The siting of the proposed dwellings has been amended. The dwellings have been moved further back within the site. Plot 2 is 6.75m further back within the site and plot 1 is 1m further back within the plot;
  - Plot 1 has been re-orientated (rotated), so that the direct outlook from the front elevation now faces further away from The Oast House.

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

- 2.1 Called to Committee by Cllr Evans.

## **3. The Site:**

- 3.1 The site lies to the north of The Street, and to the east of the village centre of Plaxtol. The site is a back-land plot, set behind The Oast House which lies between the application site and The Street. The site is accessed via a steep shared drive and is not highly visible from the street level as there are mature boundary treatments and landscaping which limit views up into the site. The existing bungalow is further obscured due to its low ridge level and siting, which is set back from the front boundary of the application site.

3.2 To the west of the site lies The Rectory and to the east lies Daltons Farm and its grounds.

3.3 The southern third of the site lies within the built confines of Plaxtol and the northern two thirds falls within the Metropolitan Green Belt. The entire site lies within an Area of Outstanding Natural Beauty and a designated Conservation Area.

#### 4. Planning History:

TM/65/10654/OLD Grant with Conditions 26 April 1965

Three detached dwellings, garages and access road.

TM/67/10652/OLD Grant with Conditions 3 February 1967

A bungalow and garage, (as amended by plan enclosed with letter dated 21st January 1967).

TM/07/01900/FL Application Withdrawn 6 September 2007

Demolition of existing bungalow and construction of two detached dwellings.

TM/07/01902/CA Application Withdrawn 6 September 2007

Conservation Area Consent: Demolition of existing bungalow and construction of two detached dwellings.

TM/07/03561/FL Refuse 14 December 2007

Appeal Dismissed 8 August 2008

Demolition of existing bungalow and construction of 2no. detached dwellings (resubmission of 07/01900/FL).

TM/07/03562/CA Refuse 14 December 2007

Appeal Dismissed 8 August 2008

Conservation Area Consent: Demolition of existing bungalow and construction of 2no. detached dwellings (resubmission of 07/01902/CA).

#### 5. Consultees:

5.1 PC: Plaxtol Parish Councillors considered the above proposal at their meeting on 3/11/08 and have asked me to advise you that they OBJECT to the proposed amendment.

5.1.1 Plaxtol Parish Councillors have no objection to Plot 1 - however the proposed repositioning of Plot 2 will encroach on the privacy of neighbouring properties and impact on the occupants quality of life. This proposal does not adequately address the issues regarding the living conditions of neighbours raised by the

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Inspector conducting the dismissed appeals (APP/H2265/A/08/2066209 & APP/H2265/E/08/2066210). In making this decision the Parish Councillors have considered representations made by occupants of neighbouring properties.

5.2 KCC (Highways): No objections.

5.3 DHH: Hours of working should be restricted during the demolition and construction phase.

5.3.1 An informative or condition restricting bonfires is requested;

5.3.2 The site area of 0.26 hectares triggers the affordable housing policy CP17 and there will be an expectation for a 40% affordable housing contribution. Considering the previous appeal against TM/07/03561/FL it may be more appropriate as an exceptional case for a financial contribution towards off-site affordable housing provision to be sought.

5.3.3 The site is not identified as a site of concern regarding contamination according to available historic and planning data, though a condition has been suggested relating to ground contaminants.

5.4 Kent Fire and Rescue Service: No response

5.5 Private Reps: (17/0X/2R/0S + Site and Press Notices): The following objections has been raised, in summary:

- The amended plans bring the house within the village envelope but the proposal now brings the house 3m further forward, closer to The Oast House, and the proposal is again overbearing and will result in a loss of privacy;
- The situation can only be resolved by permitting a smaller house;
- The two proposed dwellings are on a plot originally occupied by a modest sized bungalow;
- There is no uniform style or symmetry amongst the surrounding houses, which are mixed sizes and styles;
- The site is at a high ground level;
- The proposal seeks to redefine the building line and cross into the Metropolitan Green Belt. This is an overdevelopment of this site;
- The proposal does not enhance the special character of Plaxtol village and is detrimental to the Conservation Area;

- Infilling is not justified;
- The adjacent dwelling will be overshadowed by the proposed elevated structure;
- The proposal will result in a loss of privacy.

## 6. Determining Issues:

- 6.1 The main determining issues in the proposals are the principle of the development in this location, its scale, layout and appearance, the impact of the proposal on residential and visual amenity, and highway concerns such as parking and turning provision. In addition, it is necessary to consider whether the proposed dwellings would preserve or enhance the character and appearance of the Conservation Area. In assessing the proposal against these identified issues, the principal considerations will be whether this amended scheme satisfactorily overcomes the failings which led the Inspector to refuse the previous scheme and whether the amendments themselves introduce any new elements that might fail the relevant policies.
- 6.2 The Inspector rejected the previous scheme solely because of its adverse effect on the living conditions of neighbours. He did not criticise the principle of development on this site. The principle of development has therefore been established through the previous application. Through the previous application there were no issues raised specifically in relation to the loss of the existing dwelling, either by the Council or by the Inspector. However, PPG15 states that “consent for demolition [*in a Conservation Area*] should not be given unless there are acceptable and detailed plans for any redevelopment”.
- 6.3 The principle of two dwellings has similarly been established through the previous application. The Inspector expressly accepted that the previous scheme preserved the character and appearance of the Conservation Area. Whilst the design of the two dwellings has been altered slightly from the previous proposal, the same design principles remain, and therefore I consider the proposal to accord with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy QL6 of the Kent and Medway Structure Plan 2006 in this respect.
- 6.4 The main determining issue that remains outstanding is the impact of the proposal on the privacy of the adjacent properties. However, as a result of the changes made in this current application an assessment also needs to be made as to whether the amended siting of the dwellings presents any additional issues in terms of the impact of the proposal on the amenity of adjacent properties, upon the character and appearance of the surrounding locality, or upon the Metropolitan Green Belt.

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- 6.5 Firstly considering Plot 1, the proposed dwelling has been moved back within the site by 1m, re-orientated from the previous proposal and the first floor bay window that was serving bedroom 3 has been removed and replaced with a window that falls flush with the front wall of the property.
- 6.6 Policy QL1(iii)(d) of the KMSP requires the design of the development to protect the amenity of residents.
- 6.7 The distance between the window in bedroom 3 and the bedroom in The Oast House would be 21.5m. Therefore, in light of this distance and the fact that the dwelling has been re-orientated, I am of the opinion that the revised relationship of Plot 1 with The Oast House has satisfactorily addressed the Inspector's concerns on this point and meets the aims of Kent Design on this point.
- 6.8 I am of the opinion that the amended siting and orientation of Plot 1 will not result in any additional impacts on the amenity of the adjacent properties, or the surrounding locality.
- 6.9 Turning now to Plot 2, the proposed dwelling has been moved back within the site by 6.75m. The distance between the window in bedroom 4 and the bedroom in The Oast House would be 22.5m. Therefore, I am of the opinion that the proposed re-siting from the previous proposal has satisfactorily addressed the Inspector's concerns on this point.
- 6.10 The windows of bedroom 4 on plot 1 and bedroom 1 on plot 2 would also be close to habitable room windows in the upper floors of The Rectory and Daltons Farm respectively. In both these cases the relationship would still be at such an angle that privacy would not be unacceptably compromised. Indeed, I am of the opinion that the proposed positioning will if anything result in a betterment from the appeal scheme.
- 6.11 The amendments to the siting of the proposed dwellings would not result in any additional amenity issues. I note the concerns raised about overshadowing. However, the dwellings will be further away from all the surrounding houses compared to the siting proposed within the appeal scheme, and overshadowing was not considered to be an issue by the Inspector.
- 6.12 As mentioned in paragraph 3.3 above, it is only the southern part of the site that lies within the defined village confines; the remainder is within the MGB. It is therefore necessary to consider whether the resiting of the dwellings further into the site breaches this boundary. It was accepted that the buildings proposed in the previous (appeal) scheme lay entirely within the village confines. The house on plot 1 was sited significantly further north than that on plot 2. In the current proposal, plot 1 has been only marginally resited, and plot 2 has been resited to align with plot 1. I am therefore satisfied that the built development now proposed remains within the defined village confines.

- 6.13 Policy EN4 of the Kent and Medway Structure Plan 2006 seeks to protect the natural beauty of the AONB while policy CP7 of the Tonbridge and Malling Borough Core Strategy also seeks to ensure users quiet enjoyment of the AONB. The proposal would retain a large area of open garden to the rear, and I consider that the principles of policies EN4 or CP7 would be upheld.
- 6.14 DHH has requested provision of affordable housing due to the site area of the proposal. However, it would be a departure from national, strategic and local policy to allow the entire site to be developed because much of it lies within the MGB. Accordingly, the actual developable area of the site is only the southern third which lies within the built confines. Furthermore, no affordable housing provision was required with the previous application.
- 6.15 In light of the above considerations, I am of the opinion that the proposal is now acceptable, and satisfactorily addresses the issues raised by the Inspector with respect to the previous application.

## 7. Recommendation:

(A) TM/08/02749/FL:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Street Scenes 101 B dated 15.10.2008, Drawing 101 D dated 15.10.2008, Drawing 102 D dated 15.10.2008, Drawing 103 B dated 15.10.2008, Letter dated 15.10.2008, Design and Access Statement dated 05.09.2008, Drawing 100 dated 05.09.2008, Planning Statement dated 17.09.2008, Historic Decision Notice dated 17.09.2008, subject to:

### Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (Z013)  
  
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 all 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. (D001)  
  
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

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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. (L003)

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 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 parking space. (P004)

Reason: Development without provision of adequate accommodation for the parking or garaging 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 a 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. (P011)

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 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 and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001\*)

Reason: In the interest of maintaining the openness of the countryside and Green Belt and residential amenity.

- 7 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 first floor west (flank) elevation of Plot 1 other than as hereby approved, without the prior written consent of the Local Planning Authority. (D013\*)



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Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

- 8 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 first floor east (flank) elevation of Plot 2 other than as hereby approved, without the prior written consent of the Local Planning Authority. (D013\*)

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

- 9 The window on the first floor (east) flank elevation of Plot 2 serving an en-suite shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter. (R003)

Reason: To minimise the effect of overlooking onto adjoining property.

- 10 The window in the gable of the first floor front elevation on Plot 2 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter. (R003)

Reason: To minimise the effect of overlooking onto adjoining property.

- 11 The westernmost window at first floor level on the front elevation of Plot 1 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter. (R003)

Reason: To minimise the effect of overlooking onto adjoining property.

- 12 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. (N015)

### **Informatives**

1. With regard to the construction of the pavement crossing, 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.
2. Surface water from private areas is not to discharge onto public highway.
3. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council. To discuss suitable house names you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, 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. (Q049)
4. The applicant is advised to not allow bonfires on the site during demolition and construction works as this would result in a nuisance to adjacent residents and is contrary to Waste Management Legislation.

(B) TM/08/02750/CA:

**7.2 Grant Conservation Area Consent**, subject to the following condition:

1. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment which the contract provides.

Reason: To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site, in the interests of visual amenity.

Contact: Glenda Egerton