

**Offham  
Downs**

**565824 157473 18 June 2009**

**TM/09/01538/FL**

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Proposal:                      Erection of four bedroom dwelling house to north of Dianella  
Location:                     Dianella North Meadow Offham West Malling Kent ME19 5NU  
Applicant:                    Mr + Mrs G Goodwin

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**1. Description:**

1.1 The proposal seeks planning permission for a new detached residential property with integral garage and a new vehicular access onto North Meadow.

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

2.1 At the request of the local Ward Member, and in the light of the previous history of decisions on this site.

**3. The Site:**

3.1 The site lies within the village confines, opposite the Cricket Ground, and between two existing dwellings that front onto North Meadow, one owned by the applicant and one a Grade II Listed Building. North Meadow is a one-way street, with traffic moving from south to north. The MGB lies to the rear of the site.

**4. Planning History:**

TM/53/10186/OLD   Grant with Conditions       20 August 1953

Dwelling house.

TM/53/10493/OLD   Grant with Conditions       18 June 1953

Outline application for one dwelling house.

TM/54/10461/OLD   Grant with Conditions       18 February 1954

Garage.

TM/88/10960/OUT   Grant with Conditions       3 February 1988

Outline application: Detached house with garage and access.

TM/90/10510/FUL Grant with Conditions 28 November 1990

Two storey rear extension.

TM/90/10558/OUT Grant with Conditions 20 December 1990

Renewal of outline permission TM/87/2037 for detached house with garage and access.

TM/99/01611/FL Grant With Conditions 21 September 1999

Garage to side.

TM/05/01634/FL Application Withdrawn 13 September 2005

3 bedroom detached dwelling with garage.

TM/06/00858/FL Refuse 23 May 2006

3 bedroom detached dwelling with garage.

TM/08/01623/FL Refuse 4 August 2008

Detached dwelling including vehicular access.

## **5. Consultees:**

5.1 PC: Outline Planning permission was originally granted for an additional dwelling within the curtilage of Dianella in February 1988 for a detached house and garage. This was renewed in December 1990. As no development took place this planning consent lapsed in December 1995.

5.1.1 In May 2005 a new planning application was submitted for a detached three-bedroom house with integral garage. This application was withdrawn in September 2005 but not before the Planning Officer had written the report for the Area 2 Planning Committee on the 14th September recommending refusal on the basis that “the proposal, by virtue of its unsympathetic design, would not conserve or enhance the special character of the village of Offham...”. In March 2006 a further planning application was submitted for a larger detached three-bedroom house and separate single garage. This time the Planning Officer recommended approval to the Area 2 Planning Committee. We strongly disagreed with the Planning Officer’s conclusions that this time the revised design would “not adversely affect the setting of the adjacent Listed Building” and that the “...design

is sympathetic with the surrounding properties... and ... would not be detrimental to the special character of the village of Offham". The Planning Committee voted to refuse planning permission on the grounds that "the proposal by virtue of its unsympathetic design and appearance, and its proximity to the adjacent Listed Building, would detract from the setting of the Listed Building and the character and amenity of the wider street scene".

- 5.1.2 A further application was submitted in May 2008 for a four bedroom dwelling with integral garage. Whilst this proposal was a considerable improvement on the previous applications we still felt that the overall design was not sympathetic to the neighbouring listed properties, Walnut Tree Cottage and Walnut Tree Farm, and that the filling of the gap between Dianella and Walnut Tree Cottage would have a detrimental impact on the setting of the adjacent listed buildings by both its bulk and its design. This application was also turned down in August 2008 on the same grounds as the 2006 application.
- 5.1.3 Having considered the detail of this new application we cannot see that there has been any improvement in the design as it is quite simply a modern four bedroom detached house that bears no relation to the adjoining listed buildings. We find the information submitted quite misleading in that the artist's impression of the proposed dwelling is significantly more attractive than the reality of what the property will look like as reflected in the drawings titled "proposed elevations" in the Design and Access Statement. Furthermore the artists impression of the street scene on the drawing titled "proposed site layout" is equally misleading and does not accurately reflect the character of the street. As drawn it presents a very urban appearance and it is hard to place it as part of North Meadow, Offham.
- 5.1.4 Consequently we totally disagree with the applicant's statement in paragraph 1.4 of the Planning Statement that "the proposal respects this (i.e. relationship with) and compliments the design of Walnut Tree Cottage". The applicants' Planning Statement refers to "pre-application guidance" and that a "copy of the correspondence letter is attached to this planning statement". Unfortunately the attachment was not included with our copy of the application details and we did not realise in time to request a copy before submitting our responses. However paragraph 4.2 of the Planning Statement indicates that the pre-planning guidance suggests that the principle of residential development on this "plot" is acceptable.
- 5.1.5 As with the last application we strongly disagree with this suggestion and think this issue should be fully reviewed. In our previous objections to development on this site we questioned the opinion that "the principle of a new dwelling has been established by previous applications". We are repeatedly told that each and every planning application has to be judged on its own merits. In this instance it would seem that previous planning history is overriding any re-assessment of appropriateness of development.

5.1.6 Whilst some of the relevant planning policies might not have changed, bearing in mind that planning is a prescriptive science, views and opinions do change, especially when the planning permission referred to dates back to 1988/1990. Twenty years is an awfully long time for an opinion to hold and we believe therefore that the question of “principle of a new dwelling” should be reassessed on the merits of the current application and current best practice.

5.1.7 We therefore feel that the determining issues are:

- Whether the principle of the proposal is acceptable.
- The design and siting of the proposal is acceptable.
- And the impact of the proposal in relation to the adjacent listed buildings.

5.1.8 In terms of planning policy not all the policies quoted seem relevant to this proposal. Whilst PPS 3 is quoted this does not seem particularly relevant to the development of one additional unit other than the principles of good design apply to all development irrespective of numbers. However Policy HP2 from the Structure Plan and Policy P5/3 from the Local Plan do not seem relevant in this instance and in fact on the “assessment and sequential approach to location” this proposal would score very low in that it is located in a rural area, with very limited public transport and no local facilities other than one pub.

5.1.9 Policies CP1 and CP13 from TMBC Core Strategy are of particular relevance in that, in our opinion, they support a case to refuse permission in that the proposed development:

- Does not result in a high quality sustainable environment.
- The need for the development is negligible when balanced against the need to protect and enhance the natural and built environment.
- Does not preserve and/or enhance the quality of the natural and historic environment.
- It is not appropriate to the scale and character of the settlement.

5.1.10 We have been asked by local residents to once again raise the question of the impact of the proposed dwelling on light into Walnut Tree Cottage and note that in a previous report the Planning Officer reported that it was not considered that the loss of light would be “significant”. This is a very subjective assessment as it may not seem significant to the Planning Officer but Walnut Tree Cottage occupants certainly feel it is significant to them.

5.1.11 We would also like to raise the issue of the suitability of creating an additional vehicular access onto a very narrow road, which is also a designated “safe walking” and cycle route to Offham School for a number of local children in the School Travel Plan. Obviously there are a number of existing accesses but is it sensible to allow an additional one in these circumstances?

5.1.12 In conclusion therefore we strongly oppose the proposed development:

- The principle of development on this site is not acceptable as the existing gap between Dianella and Walnut Tree Cottage is a significant contribution to the setting of both Walnut Tree Cottage and Walnut Tree Farm and infilling of this gap would be to the detriment of both these adjacent properties and the street scene which can be viewed from several angles – North Meadow, Church Road and from the Cricket ground.
- The design of the proposed dwelling may be in keeping with Dianella, but not with the adjacent listed buildings, Walnut Tree Cottage and Walnut Tree Farm and it will therefore have a negative impact by a combination of its design, form and bulk on the settings of these listed buildings.
- The proposed site is extremely visible from a number of vantage points along Church Road and across the cricket ground and would, if granted consent, be detrimental to the street scene and the historic local environment.

5.2 DHH: No objection.

5.3 KCC (Highways): No objections.

5.4 Private Reps (including Art 8 Site Notice): 3/0S/0X/6R. Six letters received, raising the following:

- The proposed site is visible from a number of points along Church Road and across the cricket ground and would, if granted consent, have a negative impact on the historic local environment, a Conservation Area.
- The village is small and crowded and this proposal would involve developing a new dwelling on a small piece of land next to a Listed Building.
- The proposal would result in an increase of traffic along a very narrow road which is well-used by pedestrians, including children walking to school. There are no pavements or street lighting along North Meadow so any increase in traffic is significant.
- Meadow Road and Church Road are single track roads that are heavily used. An additional dwelling will intensify the problem.
- Access is a problem.

- The proposal could affect the stability of the adjacent Listed Building.
- The proposal would result in a loss of light to the kitchen, dining room and upstairs bedroom.
- The proposed dwelling is a metre away from the boundary with Walnut Tree Cottage and only 3m away from the neighbours property, reducing light.
- The adjacent cottage has saplings and a few bushes which will not assist in screening the proposal.
- The dwelling will result in a loss of light to the garden of the neighbouring property.

**6. Determining Issues:**

6.1 The main determining issues relating to this proposal are whether the principle of the proposal is acceptable, whether the design and siting of the proposal is acceptable, the impact of the proposal in relation to the adjacent Listed Building and the highway safety of the new access.

6.2 The principle of a new dwelling with a new access onto North Meadow has been established by previous applications (most recently by TM/90/1409), which granted outline planning permission for a dwelling of a similar size and position to the proposed dwelling. Planning permission has been refused for a three bedroom detached dwelling in earlier submissions (TM/06/00858/FL and TM/08/01623/FL). TM/08/01623/FL was refused for the following reason:

*The proposal by virtue of its unsympathetic design and appearance, and its proximity to the adjacent Listed Building, would detract from the setting of the Listed Building and the character and amenity of the wider streetscene. The proposal is therefore contrary to the objectives in policies QL1 and QL8 of the Kent and Medway Structure Plan 2006 and policies CP13 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.*

6.3 Therefore, an assessment needs to be made regarding what has changed since the time that the principle of a new dwelling was established and since the most recent application.

6.4 I am of the opinion that there have been no significant material changes to the site since that time. The adjacent property, Walnut Tree Cottage was listed at the time of considering the previous applications. In terms of policy changes, the Kent and Medway Structure Plan 2006 no longer applies and the South East Plan (SEP) has been adopted.

- 6.5 Policy CC6 of the SEP requires development to respect the character and distinctiveness of settlements. PPG15 states that in considering applications for planning permission or listed building consent for works which affect a listed building it is necessary to have special regard to certain matters, including the desirability of preserving the setting of the building. Policy BE6 of the SEP supports proposals which protect, conserve and enhance the historic environment. Policy CP13 of the TMBCS indicates that minor residential development appropriate to the scale and character of the settlement is appropriate in principle in this village. Policy CP24 of the TMBCS states that proposals should be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through their scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.6 The site lies adjacent to the Metropolitan Green Belt. Whilst the proposed dwelling will be visible from the MGB, due to the siting of the proposed dwelling in relation to the existing dwellings, I am of the opinion that the proposal will not be detrimental to the wider MGB and will not significantly harm the openness of the surrounding countryside.
- 6.7 I note the Parish Council's detailed analysis of previous proposals for this site. However, it is important to note that neither application TM/06/00858/FL or TM/08/01623/FL was refused on grounds that objected to the principle of creating a new home on this site. The concerns were directed at the detailed design and layout.
- 6.8 The proposal has some similarities to the previously refused scheme (TM/08/01623/FL) in terms of its siting, particularly when its relationship in connection with the adjacent Listed Building is considered.
- 6.9 The proposal has been redesigned since the previous submission. The dwelling has been designed to appear as if it has 'organically' grown over time, with a local vernacular design. I am of the opinion that the design of the proposed dwelling is more sympathetic to the adjacent Listed Building and the wider streetscene. Nevertheless, there are some relatively minor, but nonetheless significant, amendments that could be made to the detailed design of the building and, as a result of negotiations with the applicant, I am expecting amended plans to be submitted by the applicant to increase the size of the hip to the front gable which will bring the eaves more in line with the adjacent eaves levels. The front window to bedroom 3 is to be more evenly sited within the front elevation.
- 6.10 Taken together, these changes in design and layout are, in my opinion, sufficient to overcome the previous reason for refusal, and the proposed dwelling will be acceptable both in its relationship to the impact on the setting of the adjacent listed building and on the wider streetscene.

- 6.11 Walnut Tree Cottage to the north of the site has some side windows adjacent to the site. At second floor level is a bedroom window and at ground floor level is a kitchen window. Neither of these rooms has any other windows serving them. There is also a ground floor dining room window adjacent to the site, but this room is also served by a window in the rear elevation.
- 6.12 Policy Annex PA4/12 of the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP) sets out guidance with respect to the impact on daylight for and outlook from neighbouring properties. I am satisfied that when assessed against this guidance, the proposed house and garage will not result in a significant loss of light or outlook for the adjacent property. The proposal would be approximately 1.4m from the boundary and 3.5m from the flank of Walnut Tree Cottage. In that regard, the objector is incorrect to refer to a separation of 3m, and therefore I am satisfied that the proposal will not result in a “terracing” impact.
- 6.13 I note the concerns raised relating to the impact of the proposal on the foundations of the adjacent Listed Building. However, this is not a material planning consideration as it is an issue that is capable of being adequately addressed through Building Regulations, and indeed, this issue has not given rise to a reason for refusing any of the previous applications.
- 6.14 I am of the opinion that the proposed parking and turning area is adequate and complies with Kent Vehicle Parking Standards. There are no highway safety objections to the new access and, indeed, this issue has not given rise to a reason for refusing any of the previous applications.

## **7. Recommendation:**

7.1 **Grant Planning Permission**, as detailed by Planning Statement dated 18.06.2009, Design and Access Statement dated 18.06.2009, Proposed Plans and Elevations dated 18.06.2009 subject to:

- **receiving amended plans increasing the size of the hip to the front gable**
- **the following 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 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.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 3 The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 4 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.

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

- 5 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 south and north elevations of the building other than as hereby approved, 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 amenity and privacy of adjoining property.

- 6 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 7 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.

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.

- 8 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 Classes A-E inclusive, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of amenity.

- 9 If during implementation of this permission, contamination is found to be present at the site then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until details of how that contamination shall be dealt with have been submitted and approved by the Local Planning Authority. The approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and 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.

- 10 No development shall take place until details of levels of slabs, eaves and ridges 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 visual amenity of the locality.

### **Informatives**

- 1 During the construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours – 18:00 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate number(s) to the new property/ies. To discuss the allocation of numbers 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. (Q050)

- 3 Surface water from private areas is not to discharge onto the public highway.
- 4 With regard to works within the limits of the highway, the applicant is asked to consult Kent Highway Services, Doubleday House, St Michaels Close, Aylesford ME20 7BU. Tel 08458 247 800
- 5 Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/ boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

Contact: Glenda Egerton