
Report of 5 August 2009

Borough Green Borough Green And Long Mill	561362 157528	27 May 2009	TM/09/01260/FL
Proposal:	Division of existing garden and construction of a detached bungalow (Resubmission of application TM/08/03622/FL)		
Location:	65 Annetts Hall Borough Green Sevenoaks Kent TN15 8DY		
Applicant:	Mr John Tyler		

1. Description of Proposal:

- 1.1 Planning permission is sought for a detached two bedroom bungalow within former garden land to the west of 65 Annetts Hall. The proposal is for a bungalow with a low pitched roof with no rooms in the roof space. One parking space is proposed to the north-west corner of the site where there is an existing dropped kerb and hardstanding.
- 1.2 The proposed bungalow would measure 7.7m x 8m with a footprint of 67sqm. The overall ridge height proposed would be 4m. The eaves height is proposed at 2.25m. French doors are proposed on the front (west) elevation along with a front door. Two windows are proposed for each flank (north and south) and a single window is proposed to the rear (east) which faces directly on to the retaining wall and fencing between the application site and No.65.
- 1.3 The existing site has a line of conifers running along the majority of the south and west boundaries, these are tall and unkempt at present. The application shows that all of the conifers on the south boundary are to be removed and some along the western boundary are to be retained.

2. Reason for reporting to Committee

- 2.1 Previous applications on the site have been refused including a dismissed appeal.

3. The Site:

- 3.1 The site comprises 65 Annetts Hall and its former side garden which lies on the inside of a right angled bend in the road between Nos. 64 and 65 Annetts Hall. There is now a retaining wall and close-boarded fencing dividing the site, previously there were steps into the application site down from No.65. The area for the new dwelling is currently scrub land.
- 3.2 No. 65 is a gabled house to the east of the plot for the proposed dwelling. There is a steep level drop between the ground level of No.65 and the part of the site proposed for a new dwelling
- 3.3 To the north of the new dwelling is no. 64, a gable fronted chalet bungalow.

3.4 The residential road “Annetts Hall” and a footway run along the south and west boundaries of the application site.

4. Planning History:

TM/59/10715/OLD grant with conditions 22 October 1959

Garage.

TM/78/10388/FUL Refuse 29 November 1978

Two-storey extension to rear.

TM/79/10931/FUL Refuse 28 February 1979

Two storey pitched roof rear extension.

TM/85/11214/FUL grant with conditions 15 July 1985

Single storey rear extension.

TM/85/11373/OLD Application Withdrawn 5 June 1985

Application under Section 53 to Determine whether single storey extension requires planning permission.

TM/06/03636/OA Refused 8 January 2007

Outline Application: Detached dwelling

TM/07/02010/FL Refuse 7 August 2007

dismissed on appeal 30 January 2008
Three bedroom detached house

TM/08/03622/FL Application Withdrawn 25 March 2009

3 bedroom detached dwelling house built within the boundary

5. Consultees:

- 5.1 PC: The PC has concerns about the resultant over-intensification of this site and the additional vehicular movements that this would generate if this application were to be approved.
- 5.2 KCC (Highways): No objections - This application is similar to the previous submission. However, the site layout included in the previous submission clearly identified that two parallel parking spaces were to be provided for the new dwelling. The statement states that two spaces are to be provided under this submission although the drawing is not clear on the arrangement. Is the parking for the new dwelling to be provided in the form of tandem parking? Although this arrangement is acceptable they are not always fully used. I would prefer to see the previous parallel parking arrangement proposed in order that each space can be independently accessed making them more likely to be used.
- 5.2.1 Double bay to be a minimum of 5.4m (width) x 5.0m (length). The applicant will need to liaise with Kent Highway Services regarding the widening of the vehicle drop crossing.
- 5.2.2 Replacement parking is to be provided for the existing dwelling. Again the previous submission showed an area fronting the property capable of accommodating two vehicles. This submission shows a single vehicle hardstanding. I require that two spaces be provided as per the previous submission. Subject to the above being taken on board I raise no objections.
- 5.3 DHH: Environmental Protection: comments regarding the demolition and construction phase and potential bonfires.

Waste Management: General comments regarding refuse collection services.

Housing: No comments.

Contaminated Land: The site is within 250m of a closed landfill site and is also in a major aquifer. A desk top study and walkover survey report will inform the need for imposition of further land contamination conditions.

- 5.4 Private Reps (13/4R/1X/0S): 4 letters of objection received raising the following concerns (in summary):
- Design is out of character with the existing dwellings within Annetts Hall.
 - Increase in traffic movements resulting in potential issues of highway safety. The site lies on a dangerous corner. An accident resulted in a car going through the wall of the application site. Poor visibility. A dwelling on this site would further erode visibility.

- Over-development of the site.
- Untidiness of the site.
- The proposal would detract from the openness of this corner of Annetts Hall.
- Harm to residential amenity.

5.4.2 Another letter of “no objection” was received on the grounds that the development would result in the site no longer being a dumping ground and the Leylandii trees would be removed/reduced.

6. Relevant Policies & Determining Issues:

- 6.1 The proposal represents development within the built confines of the Rural Service Centre of Borough Green. Core Strategy policy CP12 sets out the Council’s policy for development within service centres. Housing development is generally acceptable in principle within Rural Service Centres.
- 6.2 Core Strategy policy CP24 sets out the Council’s overarching policy on general design and amenity in relation to the built environment. Proposals must 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.
- 6.3 The Kent County Council Highway Manager has raised no objection to the proposal, subject to two parallel spaces being provided for both the proposed bungalow and the existing house at No.65. There have, however, been several objections received on the grounds of increased traffic, highway hazards and safety. I note the concerns raised by objectors, however, KCC has raised no objection on these grounds and they will have assessed this application against their adopted standards. Moreover, the development of one dwelling is unlikely to give rise to increased incidents within Annetts Hall as for a two bedroom dwelling there would be minimal additional trips. It is also worth noting that the same objections were raised within the 2007 application and these did not result in a reason for refusal and were not raised as an issue by the Inspector within the subsequent appeal. I do not therefore consider that the proposal would give rise to harm to highway safety.
- 6.4 An earlier application (TM/07/02010/FL) for a two-storey three bedroom dwelling was refused under delegated powers. A subsequent appeal was dismissed on the grounds of the effect of the dwellinghouse on the character and appearance of the area; specifically, the prominence of the dwelling through its proximity to the road and its size, height and bulk detracting from the openness of this corner of Annetts Hall. The Inspector also considered that the existing dwellings in the area that are located on corner plots are set at an angle to the properties on either side, the

refused scheme had not adopted this approach resulting in limited private garden areas and detracting from the open and regular character and appearance of the area.

- 6.5 The Inspector also concluded that the refused scheme would overshadow the gardens of Nos. 64 and 65 during the early afternoon and No.65 for most of the day, causing harm to the residential amenities of both properties. She went further to conclude that the proposed dwelling would also result in loss of outlook from No.64 and from the garden area of No.65, harming the living conditions of those neighbours.
- 6.6 The appealed scheme was for a two storey house with a roof with an eaves height of 5m, ridge height of 7.45m and overall footprint of 72.9sqm. The current proposal would measure 7.7m x 8m giving a smaller footprint of 67sqm. The overall ridge height proposed would be 4m. The eaves height is proposed at 2.25m.
- 6.7 Accordingly, the ridge height has been reduced by 3.45m when compared to the appealed scheme and the eaves height has been reduced by 1.75m. In bulk and mass at a high level, the proposed dwelling is substantially reduced. The proposed bungalow, due to its roof design and low pitch, would result in a dwelling which would not impact on the outlook from No.64 in my view. In my opinion, the roof design and eaves height, in combination with the reduction in ridge height, overcome the previous concerns over loss of outlook and daylight to neighbouring properties which resulted in the dismissal of the appeal.
- 6.8 The changes to the design, specifically the siting form, height, bulk and roof design have, in my view, overcome the previous concerns over the bulk being harmful to the character and appearance of Annetts Hall. A bungalow is more in keeping with the existing building forms elsewhere in the vicinity (there are bungalows within the Annetts Hall development). However, I note the concerns of neighbours regarding the design and it being different from other buildings within Annetts Hall. Whilst it would not be reasonable to only accept a design which replicated adjacent development, I do have concerns that the very low pitched and fully hipped roof form is too unique in this locality and Members may agree that the current scheme would not sit comfortably with the surrounding area due to the roof design.
- 6.9 The previous scheme was proposed to be orientated to be parallel to No.65 and the Inspector and the Council considered this arrangement to be out of character with the streetscene and the pattern of development. The current proposal is also a scheme which is parallel to No.65. This scheme also proposes the siting of the dwelling to be much closer to the boundary with No.65. It is my view that such a layout no longer causes streetscene concerns because it is no longer as visually dominant due to its overall reduced footprint and bulk. I am of the opinion that the proposed layout is a satisfactory improvement to the appealed scheme and would result in an appropriate relationship between the property and the road, also providing an improved amenity area to the rear to serve the new bungalow.

- 6.10 One of the concerns raised by a neighbour is the untidiness of the application site. An Enforcement Notice has been served requiring the site to be cleared. From our records, the owner complied with the Notice, which remains in place on the site. He has since been asked to clear further materials and again this has been complied with.
- 6.11 Except for my concerns over the roof form and design, I am satisfied that the current application has sufficiently overcome the previous reasons for refusal and Inspector's concerns. The applicant has indicated that he would be willing to submit a revised roof design that would take reference from the gabled form of both neighbouring dwellings and have a slightly increased roof pitch to approx 35 degrees which would create a more visually balanced form in my opinion. The resultant bungalow would still have a ridge height lower than both the neighbouring properties and would not give any consequent amenity impacts that would warrant refusal in my opinion. Subject to that change being secured, I would recommend approval of the application.

7. Recommendation:

- 7.1 **Grant Planning Permission** as detailed by Letter dated 27.05.2009, Design and Access Statement dated 27.05.2009 subject to the following:

- Receipt of satisfactory revised drawings showing a revised roof design of a gabled pitch (gables facing east and west) and a roof pitch of approx 35 degrees (acceptance of revised drawings delegated to DPTL).
- 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. 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 an area of vehicle parking space measuring 5.4m wide x 5m deep has been provided within the northwest corner of the application site, surfaced and drained within the site. 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. 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, B, C and E, 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 ensuring a sufficient amenity area and to prevent over-development of this limited site.

6. Within one month of occupation of the dwellinghouse hereby approved, the parking area to the front of No.65 Annetts Hall shall be widened on site to 5.4m wide x 5m deep and shall be made of permeable surfacing or drained within the site.

Reason: In the interests of ensuring sufficient parking is available for the existing dwelling.

7. Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycling water. The approved scheme shall be implemented prior to the first occupation of any of the units hereby approved.

Reason: In accordance with Core Strategy policy CP1 of the Tonbridge and Malling Borough Council Local Development Framework.

8. No development shall take place until details slab, eaves and ridge levels 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 or the visual amenity of the locality.

Contact: Lucy Stainton

SUPPLEMENTARY REPORTS**AREA 2 PLANNING COMMITTEE****DATED 5 August 2009**

**Borough Green TM/09/01260/FL
Borough Green And
Long Mill****Division of existing garden and construction of a detached bungalow
(Resubmission of application TM/08/03622/FL) at 65 Annetts Hall Borough Green
Sevenoaks Kent TN15 8DY for Mr John Tyler**

DPTL: A revised drawing has now been received altering the roof form from a low pitched fully hipped into a 35 degree pitched gabled roof. This is in line with the recommendation in the main agenda. The eaves height is unchanged but the main ridge increases from 4m to 5.3m.

AMENDED RECOMMENDATION:

Grant Planning Permission as detailed by Letter dated 27.05.2009, Design and Access Statement dated 27.05.2009, Drawing 65ANHL/P/4 Amendment dated 29.07.2009 subject to:

Conditions 1-5 and 8 as main agenda papers

Amended Conditions:

- 6. Prior to the first occupation of the dwellinghouse hereby approved, the parking area to the front of No. 65 Annetts Hall shall be widened on site to 5.4m wide x 5m deep and shall be made of permeable surfacing or drained within the site.**

Reason: In the interests of ensuring sufficient parking is available for the existing dwelling.

- 7 Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority for approval to demonstrate that the development hereby approved will adopt and incorporate sustainable construction standards and techniques. Where practicable and appropriate, the scheme shall include measures to:**
- minimise waste generation(including reduction and recycling of construction and demolition waste)**
 - minimise water consumption (including potential for recycling water)**
 - minimise energy consumption by the use of natural lighting, heat and ventilation**
 - use building materials that minimise the depletion of non-renewable resources**

- **assess potential for 10% of energy consumption requirements to be generated from decentralised and renewable/low-carbon sources**

The approved scheme shall be implemented prior to the first occupation of any of the unit(s) hereby approved and retained thereafter.

Reason: In accordance with policy CP1 of the Tonbridge and Malling Borough Core Strategy and Policy CC4 of the South East Plan 2009.

Additional Informative:

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 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)**
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