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**Report of 27 October 2010**

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**Stansted Downs**                      **560398 162126**    **13 September 2010**    **TM/10/02518/FL**

Proposal:                      Demolish existing house and erection of new detached two storey dwelling with detached double garage  
Location:                      Cob Trees Hatham Green Lane Stansted Sevenoaks Kent TN15 7PL  
Applicant:                      Mr Nathan King

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**1. Description:**

- 1.1 The proposal seeks retrospective planning permission to demolish the existing dwelling and erect a new detached two storey dwelling with detached double garage.
- 1.2 Planning permission was granted on 22 July 2010 (TM/10/01508/FL) for amendments to approval TM/07/00497/FL. That earlier planning permission was for the erection of a first floor side extension, single storey rear extension and a detached double garage. The approved amendments related to a change to the external facing material at first floor and associated landscaping.
- 1.3 It is proposed to erect the replacement dwelling and garage in the same location on the site as the previously existing dwelling and approved extension.
- 1.4 The applicant states in their submission that once they came to implement TM/10/01508/FL *'the internal changes to the existing house were so severe that it was considered that the existing walls would be too unstable during construction and that a safer option would be to demolish the existing house and rebuild it'*. The applicant has submitted a letter from the Health and Safety Advisor recommending total demolition is considered.
- 1.5 Additional plans have been submitted showing the trees that have been removed on the site and replacement planting.

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

- 2.1 Called in by Cllr Balfour because of significant local concerns raised by the PC and the community.

**3. The Site:**

- 3.1 The site lies in the MGB, in the countryside. The site is located on a corner plot, on raised land visible from Plaxdale Green Road. The original dwelling was built in the 1970s as an agricultural dwelling. The agricultural tie was removed under application TM/02/02035/FL.

#### 4. Planning History:

TM/01/01386/FL      Refuse      13 September 2001

Relaxation of agricultural occupancy condition on Cobtrees

TM/02/02035/FL      Grant      2 September 2002

Relaxation of condition (v) of MK4/72/600 for agricultural occupancy

TM/07/00497/FL      Approved      5 April 2007

First floor side extension, single storey rear extension and detached double garage

TM/10/01508/FL      Approved      22 July 2010

Revisions to planning permission TM/07/00497/FL. Erection of a first floor side extension and detached garage. Change of external facing material at first floor and associated landscaping

#### 5. Consultees:

5.1 PC: Stansted and Fairseat Parish Council objects most strongly to this application.

5.1.1 In the Design Statement, the applicant's agent states:

5.1.2 "The internal changes to the existing house were so severe that it was considered that the existing walls would be too unstable during construction and a safer option would be to demolish the existing house and rebuild the proposed scheme in its place".

We cannot comment on the technical aspect of this, but consider a survey prior to planning application TM/10/01508/FL being submitted would have identified this and the application to demolish should have been submitted at that stage. A close relative of the original owner of the house has indicated that the house was only about 30 years old and had not been 'jerry built'.

5.1.3 "... to match granted planning application from July 2010".

The design does not match the consent obtained in that condition 2 of the consent says that "All materials used externally shall match those of the existing building. Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality." The (then) existing building was tile hung, not mock Tudor. Councillors recollect that when

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permission was granted for the original house, the local planning authority insisted that the exterior finish was tile hung to match the adjoining properties. The Parish Council argues that the mock Tudor shown on the plans would harm the visual amenity of the locality.

5.1.4 "The new proposals will result in a building which is identical to the previously approved scheme".

This is untrue as the previously approved scheme was for the exterior appearance of the extension applied for was to match the tile hung original house.

5.1.5 "The main design intent was to improve the appearance of the house..."

This statement is subjective. The applicant and his agent might consider the mock Tudor finish to be an improvement to the appearance but both parish councillors and residents who have contacted us consider it a change for the worse.

5.1.6 "The elevations will have a rendered and boarded finish to the first floor and facing brick finish at ground level."

Is this in addition to the mock Tudor as shown on the drawings?

5.1.7 "This is intended to create a more aesthetically pleasing elevation than that of the existing house."

This statement is contrary to the planners' insistence on the finish of the original house.

5.1.8 "The new garage....is thus going to be less visible than the previous design".

Trees have been removed and the garage as well as the house will be more visible. Even if the trees are replaced, they will take time to grow and the garage and house will be more visible for some time.

5.1.9 Landscaping. Only the front garden is mentioned. As stated above, trees have been removed. Although this opens up the view over the valley for the applicant, conversely other village residents will now have a view of Cob Trees, giving them a loss of amenity.

5.1.10 "As the scheme is identical to the previously approved design and includes the changes designed to improve the overall composition, we consider that it is non-contentious. There will be no loss of amenity to local residents. The proposals will have no detrimental effect on the surrounding area."

The Parish Council contests this statement. The scheme is NOT identical to the previously approved design. It IS contentious. There WILL be loss of amenity to local residents. The proposal WILL have a detrimental effect on the surrounding area.

5.1.11 We reiterate the comments we made on the previous application:

Stansted and Fairseat Parish Council objects most strongly to these proposed revisions. The alterations to the appearance of the property are contrary to the street scene. Finishes of existing properties in the vicinity are brick, clapboard, tile hung or flint. There is no property with Tudor features in the heart of the village. The proposals are considered most inappropriate for the location and would be detrimental to the overall appearance of the village.

5.1.12 We request the local planning authority to refuse permission for the mock Tudor finish and to insist on compliance with the original consent for the appearance to match the now demolished building. We also request that a landscape design is submitted, approved and implemented in order to screen the property and lessen the impact on surrounding neighbours and the locality.

5.2 DHH: No objections subject to conditions.

5.3 Private Reps + Art 8 Site and Press Notice: 6/0S/0X/2R. Two letters received objecting on the following grounds:

- The previous dwelling could not be seen from neighbouring properties, but a number of mature trees have been removed from the site which now means that the proposed dwelling will be visible from the neighbouring properties;
- There are issues concerning the construction of the property, with diggers and peckers removing foundations and work continues with concrete delivery lorries attending the site and digger work;
- Stansted is a bio diverse area. Has a report been undertaken with respect to protect species;
- Can further measures be used to protect the rest of the trees and hedgerow?
- The loss of street-scene will be affected by the loss of trees.
- Object to the proposed 'mock Tudor' style. There are no other buildings of this style in the locality;
- The statement that 'the building will be reconstructed to its existing form, size, height and design' is misleading. The property will be extended and of a very different style;

- Concerns that the developers were carrying out work to such a poor standard that the original house needed to be demolished.

## **6. Determining Issues:**

- 6.1 The site is within the Green Belt. PPG2 does, in principle, allow for the one-for-one replacement of existing dwellings and this is not “inappropriate development”. PPG2 and Policies CP3 and CP14 of the TMBCS allow the size of a replacement dwelling to be greater than that which it replaces, provided such increases are limited in scale. Green Belt policies require replacement dwellings to be considered on their merits, but they must, in PPG2 terms, not be materially larger than the existing dwelling being replaced.
- 6.2 In this particular case, the assessment of this proposal for a rebuild is judged against the dwelling as previously existed.
- 6.3 The new dwelling will have a similar footprint to the dwelling to be replaced, with the addition of a detached double garage, and additional floorspace at first floor level. The overall form and dimensions of the proposed dwelling are identical to the previous dwelling, plus the extension, as approved under TM/10/01508/FL. In view of this, I am of the opinion that the scale of the replacement dwelling would not have a detrimental impact on the Metropolitan Green Belt and openness of the countryside.
- 6.4 In terms of Policies CP1 and CP24 of the TMBCS, the scale, siting, design and form of the revised scheme are considered to be acceptable.
- 6.5 I note the concerns relating to the design of the dwelling. However, the dwelling that has been removed could have been rendered externally without requiring a planning application. By virtue of Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), this would have been “permitted development” given that the site is not located within the AONB or a Conservation Area. The applicant stated on the application form for the current application that they propose to use facing brick, render, timber feature boards and plain tiles. The applicant has since confirmed that they propose green oak and cream render. They have not indicated any further flexibility in terms of materials. The previous application for the extension (TM/10/01508/FL) proposed similar elevational details and in assessing those details, the Borough Council regarded the principle of this approach as “not something we could object to”. Therefore, in view of what could have been carried out to the building as it stood prior to demolition, I am of the opinion that it would be unreasonable to require any additional design amendments.
- 6.6 Policies CP1 and CP24 of the TMBLP also relate to protecting neighbouring amenities. There is not considered to be any harm to neighbouring residential amenities as the separation between the new dwelling and neighbouring dwellings will be far in excess of standards within Kent Design.

- 6.7 In terms of tree loss, trees have already been removed in the course of development. These trees were not protected by Tree Preservation Orders, and therefore their loss could not have been controlled. However, a Tree Preservation Order has been placed on the site to protect remaining trees, and a proposed landscaping scheme has been submitted. I am of the opinion that this landscaping scheme would provide adequate mitigation for the trees that have been lost, would adequately screen the site from neighbouring properties and would mean that the proposal would not be detrimental to the surrounding locality.
- 6.8 Whilst I consider it regrettable that the original dwelling has been demolished and erection of a replacement dwelling has commenced without the benefit of planning permission, in light of the above considerations, I consider the proposal to be acceptable.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 13.09.2010, Letter dated 14.09.2010, Design Statement dated 13.09.2010, Planning Statement dated 14.09.2010, Drawing FLOOD MAP dated 13.09.2010, Site Plan 813-01 dated 13.09.2010, Existing Plans and Elevations 813-02 dated 13.09.2010, Location Plan 813-101 dated 13.09.2010, Proposed Plans and Elevations 813-102 A dated 13.09.2010, Proposed Plans and Elevations 813-103 A dated 13.09.2010, subject to:

### **Conditions / Reasons**

- 1 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.
- 2 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (L002)
- 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.

- 3 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority. (L005)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 4 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 or 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 interests of the protection of openness of the Green Belt.

- 5 If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

Reason: In the interests of amenity.

**Informatives:**

- 1 You are advised that construction traffic using the private access to the site should not be allowed to damage that access or impede its use.

- 2 You are advised that any works to trees not directly in the footprint of the development hereby permitted will need to be subject of separate TPO consent.
- 3 You are advised that due to the siting within the Green Belt and the relative size of the dwelling hereby permitted compared to the original, the Council is unlikely to look favourably upon further extensions or large outbuildings.
- 4 You are advised that during demolition and construction, hours of work should be restricted to Weekdays 0800hrs to 1800hrs, Saturdays 0800hrs to 1300hrs and no working on Sundays or Public Holidays.
- 5 You are advised to avoid the use of bonfires and that there should be no burning of demolition waste.
- 6 Tonbridge and Malling Borough Council operate 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

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SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 27 October 2010

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**Stansted  
Downs****TM/10/02518/FL****Demolish existing house and erection of new detached two storey dwelling with detached double garage at Cob Trees Hatham Green Lane Stansted Sevenoaks Kent TN15 7PL for Mr Nathan King**

Private Reps: One additional letter received:

"I write to express my extreme concern and outrage at the activities of the people who have demolished the above property without any consultation or planning permission. I am aware that a planning application had been submitted seeking permission for a first floor extension above the existing garage and a detached garage and was most concerned on 5<sup>th</sup> September when I saw that all the windows had been removed and the edge of the roof badly damaged. I read the planning permission notice attached to an adjacent telegraph pole while being watched by men working on the site; the notice disappeared by the next day.

It is absolutely clear that these people are responsible for a cynical, flagrant disregard of the planning laws but that is not surprising as they belong to the same family involved in the ghastly development at Jeynes Farm. I say this because, no sooner had Cob Trees been demolished than people were on the site setting out and taking delivery of substantial building materials. These things are not done at very short notice giving lie to the argument that the building was unsafe and had to be demolished.

Also of serious concern is the removal of trees on the site; I say this as a person who had to obtain permission from your officers to prune one small apple tree in my garden!

I am told that instructions have been issued to stop work on the site but I can tell you that two men were working there on the afternoon of Wednesday 29<sup>th</sup> of September, one driving a large black 4 x 4 with trailer and the other with a bright blue pick up truck. They were NOT delivering materials to the site; they were carrying out work of a building nature and I made sure that they saw me. They left soon after.

I urge the Planning Authority to take all necessary steps at their disposal to prevent these people from erecting a mock Tudor monstrosity in this pretty and as yet unspoiled village. Further they should be instructed to re-instate Cob Trees and make good the damage done to the site and the environment.

If these people are permitted to get away with this disgraceful affront to Stansted and the Planning laws then what is to stop any of us doing the same?"

DPTL: The issues raised by the additional private representation specifically relating to the merits of the current application have been dealt with in my main report.

As a result of concerns expressed locally I have checked again what the terms were of the planning permission for the original dwelling on this site. I can find no record of any conditions relating to original dwelling that involved the removal of permitted development rights for cladding. In the light of this, the information given in paragraph 6.5 of my main report, regarding the use of permitted development rights, remains correct.

**MY RECOMMENDATION REMAINS UNCHANGED.**

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