

**Trottscliffe**                      **563996 160364**    **16 December 2010**    **TM/10/03464/FL**  
Downs

Proposal:                      Demolition of existing bungalow and erection of replacement house with detached garage (revised design to that approved by TM/09/01505/FL)  
Location:                      Sunny View Green Lane Trottscliffe West Malling Kent ME19 5DX  
Applicant:                      Mrs K Fincham

---

**1. Description:**

- 1.1 The proposal seeks planning permission for a replacement dwelling with detached garage. The proposed dwelling would be a two storey four bedroom property.
- 1.2 The proposal is a revised design for a previous proposal for a replacement dwelling, that was allowed at appeal (TM/09/01505/FL).
- 1.3 The main amendments proposed to the approved scheme consist of:
- Provision of conservatory to rear;
  - Introduction of ragstone panelling to the front elevation;
  - Amendments to the design of front porch;
  - Removal of one first floor window from front elevation;
  - Replacement of utility room window on east flank elevation with a door;
  - Provide two additional obscure glazed windows to first floor of west flank elevation;
  - Amendments to internal layout.

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

- 2.1 Called in by Cllr Kemp due to concerns over the impact the proposal may have on neighbouring properties and over-intensification of the site.

**3. The Site:**

- 3.1 The existing dwelling is a small timber framed detached bungalow, with a shallow roof. Several outbuildings, including a garage lie within the curtilage.
- 3.2 To the north of the site lies a chalet bungalow, and to the south lies a two storey dwelling.

- 3.3 The site lies within the built confines of Trottiscliffe and within an Area of Outstanding Natural Beauty.
- 3.4 The site is bounded by mature hedgerow, and there are a number of mature trees within the site.

**4. Planning History:**

TM/48/10038/OLD Grant with Conditions 18 November 1948

Addition to bungalow.

TM/65/10569/OLD Refuse 28 September 1965

Outline application for bungalow and garage for W. G. Smith, Esq.

TM/90/11637/OUT grant with conditions 28 February 1990

Outline application for demolition of existing dwelling and garage and erection of replacement dwelling and garage.

TM/09/01505/FL Refuse 28 August 2009  
Appeal Allowed 16 February 2010

Demolition of existing bungalow and erection of replacement house with detached garage.

**5. Consultees:**

- 5.1 PC: The Parish Council objects to the proposed addition of a conservatory. This addition will increase the bulk of the building which is already 1.5m higher than The Downs House and 1.2 metres higher than The Haven and will create an even bigger light barrier to the adjacent properties. The Parish Council is also concerned that there are no restrictions in place when construction takes place in consideration of the neighbouring properties. Green Lane is narrow and the size of vehicles and plant coming onto the site should be restricted. There are concerns that the existing building is asbestos and that developers are reminded that proper precautions should be taken when demolishing it.
- 5.2 KCC (Highways): Awaiting comments.
- 5.3 DHH: The applicant has indicated that a Septic Tank is to be installed to deal with the foul sewage from the property. However, no detail has been provided regarding this matter. Full details will be required, including size, location and maintenance regimes. Due consideration should be given to DETR Circular 03/99 Planning Requirement in respect of the Use of Non-Mains Sewage incorporating Septic Tanks in Development and Building Regulations Approved Document H –

Drainage and Waste Disposal. Until such information is received and approved I must enter a holding objection.

5.3.1 The site is not identified as a site of potential contamination concern.

5.4 KCC (PROW): No response.

5.5 Ramblers Association: No response.

5.6 Private Reps + Site & Press Notice: Three responses received, objecting on the following grounds:

- Concern relating to the amount of construction traffic passing close to existing dwellings, which is likely to damage existing dwellings (which include Listed properties);
- Damage to private road which is extremely narrow;
- Restriction should be placed on size (weight) or vehicles allowed to enter the site;
- An agreement/ contract for the road should be re-layed after the project has been completed;
- The proposed development is already 1.5m higher than the Downs House and 1.2m higher than The Haven. This, taken with its width and bulk is already out of keeping with the visual impact of the streetscene. To add a conservatory/ garden room to this will increase further the impact upon the site.
- The scale of the property is out of keeping with the area.

## **6. Determining Issues:**

6.1 Policy CP1 of the TMBCS requires all proposals for new development to result in a high quality sustainable environment. The need for development should be balanced against the need to protect and enhance the natural and built environment.

6.2 Policy CP13 of the TMBCS states that new development within the confines of Trottiscliffe will be restricted to minor development appropriate to the scale and character of the settlement. In the case of redevelopment, development will only be permitted if the overall trip generation is lower than that associated with the former use or if there is some significant improvement to the appearance, character and functioning of the settlement.

6.3 Policy CP24 of the TMBCS requires new development to be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to

respect the site and its surroundings. Development, which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

- 6.4 In allowing the appeal, the Inspector did not take away Class A permitted development rights. Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 would allow the proposed rear conservatory to be built without the need for a planning application if the approved dwelling had already been constructed. In light of this, I am of the opinion that the erection of a conservatory to the rear of the dwelling would be acceptable. The conservatory is proposed to the rear of the building and there is no consequential amendment to the overall height of the proposed building, nor its width.
- 6.5 The additional windows proposed for the west elevation will serve non-habitable rooms.
- 6.6 It is proposed to site the dwelling 0.5m further forward in the site. I am of the opinion that this relatively small amendment will not have a detrimental impact on the streetscene, and will not have a detrimental impact upon the amenity of neighbouring residential properties.
- 6.7 The applicant proposes to introduce ragstone panelling to the front elevation. The front elevation of the approved scheme shows clay bricks with tile hanging at first floor level. Many of the dwellings in Green Lane are white rendered and white painted brick. The Haven, the dwelling to the east of the site, is constructed of brick and dark brown boarding. Long Gore Cottage has some stone at ground floor level. Taylors Lane, the principal road through the village, is characterised more with ragstone. In light of this I am of the opinion that the proposed ragstone panelling to the front elevation would not be out of keeping with the locality as a whole.
- 6.8 I am of the opinion that the reduction in width of the front porch/ canopy, the removal of one first floor window from the front elevation and the replacement of the utility room window on the east flank elevation with a door will not have a detrimental impact upon the overall appearance of the approved dwelling, or present any amenity issues to the surrounding dwellings.
- 6.9 I note the objections received relating to construction vehicles and the impact they would have upon Green Lane. However, this is not a material consideration.
- 6.10 In light of the above considerations, I am of the opinion that the proposal is acceptable.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 16.12.2010, Validation Checklist dated 16.12.2010, Design and Access Statement dated 16.12.2010, Planning Statement dated 16.12.2010, Location Plan dated 16.12.2010, Elevations 1772-GA-100B dated 16.12.2010, Floor Plan 1772-GA-200B dated 16.12.2010, Site Plan 1772-GA-300B dated 16.12.2010, Proposed Plans and Elevations 1772-GA-400 dated 16.12.2010, subject to:

**Conditions / Reasons**

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. Other than in respect of matters subject to the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans; unreferenced Ordnance Survey plan and plan Refs 1772-GA-100B, 1772-GA-200B, 1772-GA-300B and 1772-GA-400.

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

3. 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.

4. 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.

5. No development shall take place until details of slab levels of the proposed dwelling and garage 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.

6. No development shall take place until details of a screen to the first floor terrace have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved, and thereafter the screen shall be retained as approved.

Reason: In the interests of amenity.

7. 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 the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

8. 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.

9. Any gateway to the access shall be set back 5.0 metres from the edge of Green Lane

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

10. 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 or west 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.

11. The window on the first floor western flank elevation shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

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

12. If during development work, potential ground contamination is discovered, work on site shall cease until such time as an investigation and remediation strategy has been submitted to and approved in writing by the Local Planning Authority, and has been implemented as approved.

Reason: In the interests of amenity and public safety.

13. This permission shall be an alternative to the following permission(s) and shall not be exercised in addition thereto, or in combination therewith. (Permission(s) granted on 16 February 2010 and under reference(s) TM/09/01505/FL).

Reason: The exercise of more than one permission would result in an overintensive use of the land.

Contact: Glenda Egerton