
Wrotham **560758 159494** **15 February 2011** **TM/11/00032/FL**
Wrotham

Proposal: Erection of detached split level dwelling with associated parking
Location: Beechside Blacksole Lane Wrotham Sevenoaks Kent TN15 7DH
Applicant: Mr J Melvin

1. Description:

- 1.1 The proposal seeks planning permission for a new dwelling to the front of Beechside. The proposed dwelling would front Blacksole Lane, a private road.
- 1.2 The proposed dwelling would provide living accommodation on two storeys, plus a gallery area at attic level. The dwelling would have four bedrooms. There would be space for 2/3 cars to the front of the dwelling.

2. Reason for reporting to Committee:

- 2.1 The application is locally controversial and at the request of Councillor Coffin.

3. The Site:

- 3.1 The site lies within the settlement confines of Wrotham and within an Area of Outstanding Natural Beauty. Blacksole Lane is a narrow, unmade private lane. The site comprises the northern part of the front garden to Beechside, this being to the east of the house, Beechside, which is a large detached dwelling with dormers. If the proposed development were to go ahead, Beechside would retain an access driveway running along the southern boundary of the application site.

4. Planning History:

TM/01/02036/FL	Refuse	18 January 2002
	Appeal Allowed	12 July 2002

Demolition of existing bungalow and construction of new detached chalet dwelling and garage

TM/02/02399/RD	Grant	10 October 2002
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Details submitted pursuant to conditions 2, 3 and 5 of planning permission TM/01/02036/FL being details of external materials, proposed and existing levels, and landscaping and boundary treatment respectively

5. Consultees:

5.1 PC: Objection:

- 5.1.1 Relevant planning history includes TM/01/02036/FL, which proposed to remove a detached bungalow from the frontage of the site, adjacent to Tore Cottage, and its replacement with a dwelling in a location to the rear of the existing dwelling. It was refused planning permission by TMBC and allowed at appeal. The Inspector considered that the proposal to move the dwelling further towards the rear of the site improved the spatial aspects of the street scene visually. The Inspector agreed the appeal in order to enhance the local vernacular of distinctive properties in large plots characterised by open spaces. The applicant now seeks to infill the space in the streetscene that the Inspector sought to achieve, leading to significant eroding of the sense of spaciousness previously created, and would therefore be contrary to Policy CP13 and Policy CP24.
- 5.1.2 The proposed building has an excessive ridge height and is to be built on artificially raised ground. The resultant streetscene is discordant with the proposed building, appearing to perch over West View. The form and massing of the proposal is far too great.
- 5.1.3 The insertion of a tall building within an array of development, which leads to significant loss of amenity in terms of privacy of neighbouring gardens.
- 5.1.4 The infilling and crowding of the site is contrary to Policy CP7 and would be harmful to the streetscene within the AONB. The creation of a parking area in front of the proposed dwelling would be totally unacceptable within the AONB.
- 5.1.5 Private gardens are no longer regarded as previously developed land and the national indicative minimum density has been removed under changes to PPS3.
- 5.1.6 Policy CP12 seeks to confine development to Rural Service Centres. The LDF has made substantial provision for affordable and privately owned tenure at Isles Quarry West that renders additional development in Wrotham unnecessary. Wrotham village is remote from services and there is no local need given the provision at IQW and further development would worsen the sustainability of the settlement.
- 5.1.7 Blacksole Lane is an unmade single carriageway, unadopted street, with no pedestrian walkway. Although a cul-de-sac for cars there is pedestrian access from the Tower View Estate to St Georges Primary School via a school back gate located in Blacksole Lane.
- 5.1.8 KHS limits development that accesses unmade carriageway to a maximum of four residences, but there are already 7 residences accessed from Blacksole Lane. It would be dangerous to further intensify use of the unmade lane.

- 5.1.9 A planning application for an additional detached residence at Jess-Ma-Bel (renamed Windfalls) is relevant (TM/87/1313). The application was less contentious because it included parking and the ability to turn and exit without reversing onto the road. It was refused on the grounds that the proposal would result in intensification of use of the existing access and created unacceptable additional highway traffic, contrary to the Kent County Council Adoption Policy No 1.
- 5.1.10 The junction of Blacksole Lane consists of a single track lane onto a T junction with the single track Pilgrims Way. Blacksole Lane is on a gradient and there is no visibility splays in either direction. Any development that further intensifies use of this junction is inherently hazardous.
- 5.1.11 The application form claims to be providing three parking spaces. No indication of the location and size is given and this needs to be addressed. There is no space for on site turning.
- 5.1.12 Given the current use of Tore Cottage's parking area and the 1.8m wall there is no vision splay for any vehicles parked to the front of the proposed house.
- 5.1.13 A fire at Byelanes at the bottom of Blacksole Lane necessitated an emergency call to the fire brigade. The fire engine's attendance was severely delayed because of the narrow junction between Pilgrims Way and Blacksole Lane. Long vehicles cannot readily turn into Blacksole Lane and have to shunt back and forth with difficulty to gain access
- 5.2 KCC (Highways): Blacksole Lane is deemed a Private Street to which Kent Highway Services have no responsibility over Private Streets. Since checking the County Crash Database at the junction of Blacksole Lane/ Pilgrims Way, there have been no reported personal injury crashes at the junction over the last 3 year period.
- 5.2.1 I believe that this application will not generate a significant increase in vehicular movements to cause detriment to highway safety.
- 5.2.2 KCC (PROW): Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners. The PROW must not be stopped up, diverted, obstructed or the surface disturbed.
- 5.3 DHH: No objections, subject to contamination condition.
- 5.4 Private Reps: 5 letters received, objecting on the following grounds:
- The surface of Blacksole Lane has deteriorated considerably over the last 30 years;

- The lane is used heavily by the children and parents of St George's Primary School and Nursery whose rear entrance opens onto Blacksole Lane. There have been several incidents of near misses between children and vehicles using the lane;
- The proposed new dwelling blocks the open aspect that was afforded by the Inspector's decision in 2001;
- The proposed dwelling is a 3 storey house in an area of bungalows and chalet bungalows. The rear elevation will be out of keeping with the surrounding locality and will result in a significant loss of privacy;
- The ground level of the plot in front of the development has been artificially raised by the applicant by 2m. This disguises the fact that the proposed dwelling is three storey which would dominate the adjacent dwelling;
- Under the government's decision to prevent garden grabbing it appears that it is not possible to put two properties on a plot where there is currently one;
- The house to the rear of the site was allowed on the basis that the original bungalow was demolished;
- Some years ago the owner of Windfalls tried to get permission for a second property in his garden. This was refused because Blacksole Lane is a single track, unmade lane;
- The proposal uses the same ridge height as Tore Cottage, taking no account of the natural gradient of the land;
- Overcrowding in an Area of Outstanding Natural Beauty. The village has been developed to its maximum;
- There would be a lack of parking on this site;
- Poor visibility from drivers to blind spots to this narrow lane. The proposal would result in an increased risk of accidents given that the primary users of the lane are children and parents accessing the local school;
- Over the last few weeks the owner has cut down small trees and mature hedgerows close the school boundary fence directly opposite the boundaries of his property in anticipation of creating a slightly bigger turning point to the proposed dwelling;
- Outlook from adjacent properties would be of wheels;
- There is no on-site turning shown for vehicles on the site and limited parking for visitors;

- The proposal fails to consider the existing character of the streetscene;
- Most other houses along the lane are converted bungalows/chalet bungalows and have one or two floors;
- Emergency vehicles already have difficulty accessing the lane. Refuse collection requires the contractors to pull the bins to the top of the lane as access for a dustbin lorry is near impossible;
- Granting planning permission would set a precedent along the lane. There are a number of houses along the lane with larger plots than Beechside;
- Many of the parents travelling to the school have buggies and prams, and one parent has a mobility scooter. Given that there are no footpaths along Blacksole Lane, any intensification of dwellings along the road would make the road more hazardous. There are no real alternative routes with pavements to travel between the Tower View Estate and Blacksole Lane.

6. Determining Issues:

- 6.1 Policy CP15 of the TMBCS states that housing will be permitted on non-strategic sites which are not allocated in the LDF, but which accord with the sustainability principles set out in Policy CP1, and the settlement hierarchy in Policies CP11, CP12 and CP13 (and other policies where appropriate).
- 6.2 Policy CP13 explains that new development within the confines of rural settlements will be restricted to minor development appropriate to the scale and character of the settlement.
- 6.3 Policy CP1 requires development to result in a high quality sustainable environment, that the need for development must be balanced against the need to protect and enhance the natural and built environment, it should include a mix of types and tenures of housing, be concentrated at the highest density compatible with the local built and natural environment mainly on previously developed land and at those urban and rural settlements where a reasonable range of services is available and where there is the potential to be well served by sustainable modes of transport, and must minimise the risk of crime.
- 6.4 Given the recent changes to PPS3 (Housing) (June 2010), the site cannot be classified as PDL: it is a private residential garden which does not include a permanent structure (the main dwelling – Beechside – is located to the west of the application site).

- 6.5 The “notes to editors” which accompanied the changes to PPS3 (09 June 2010) make it clear that the changes to the guidance in respect of “garden grabbing” (the exclusion of private garden land from the definition of PDL and the removal of the national indicative minimum density) are to protect against development which is considered to be inappropriate and harmful to the character of the area.
- 6.6 As explained in subsequent paragraphs, it is considered that, due to the size, scale, form and design of the proposed dwelling, the development would be harmful to the character of the area. In light of these considerations, the dwelling as proposed would be contrary to PPS3 in this respect.
- 6.7 Policy CP24 of the TMBCS requires all development to be well designed, of high quality in terms of detailing, it should make a positive contribution to the enhancement of the appearance and safety of the area and that all development must not be detrimental to the built environment, amenity or functioning and character of a settlement. All development must respect the site and its surroundings in terms of scale, density, layout, siting, character and appearance.
- 6.8 Similarly, Policy SQ1 of the MDE DPD details that proposals must reflect local distinctiveness and conditions and should protect, conserve and (where possible) enhance the character and local distinctiveness of the area, the prevailing level of tranquillity.
- 6.9 Paragraphs 35 and 36 of PPS1 (Delivering Sustainable Development), and Para 16 of PPS3 (Housing), set out matters which should be considered when assessing design quality.
- 6.10 PPS1 (Paras 33 -39) and PPS7 specifically requires that development is designed to respect, and where possible enhance, the character of an area. PPS7 specifically requires proposals to be “of an appropriate design and scale for its location...”, whilst PPS1 (Para 34) details that “design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”.
- 6.11 Planning permission was granted for the existing dwelling, to the rear of the site, at appeal in 2002 (TM/01/02036/FL). The Inspector described the locality as having no single unifying theme, style, scale or feature. The Inspector concluded that the loss of the previous dwelling (which was situated in a similar position to the currently proposed dwelling) would not be harmful to the character or appearance of the area.
- 6.12 It is considered that the current proposal does not respect the site and surroundings in terms of its scale, siting, character and appearance. As such, it is not integrated with, and does not complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

- 6.13 The proposed dwelling would occupy a site that is smaller and more cramped than the adjacent dwellings in Blacksole Lane and does not reflect the character of the streetscene.
- 6.14 Blacksole Lane slopes downwards, from north to south. The street scene plan indicates that the ground floor would be partly built up from ground level, whereas the adjacent dwellings have been built into the bank more. The ridge height of the proposed dwelling is the same as that of the adjacent dwelling to the north. Given that the ground level is higher to the north it means that the proposed dwelling creates the impression of being elevated and does not follow the natural topography of the lane. I am of the opinion that the height of the proposal would have a detrimental impact on the character of the streetscene.
- 6.15 As a consequence of this, I am of the opinion that the bulk of the proposal would not be in keeping with the locality. The proposed dwelling would be three storeys. Whilst the windows of the basement/ground floor would only be visible from the rear and south elevations, the floor level of the first floor has not been excavated as much as it could have been if a basement were not proposed. Furthermore, I am of the opinion that the bulk of the roof is out of keeping with the surrounding locality.
- 6.16 I note Wrotham PC's response regarding affordable housing. The proposed dwelling is not for "affordable housing" in terms of the definition in PPS3. The text accompanying Policy CP18 of the TMBCS states that in the case of Wrotham, it would be expected that any local housing needs would be met, in the first place, by the proposed development at Isles Quarry West. Policy CP13 of the TMBCS, however, states that new development within the confines of Wrotham will be restricted to minor development appropriate to the scale and character of the settlement. It does not therefore restrict all proposals for new development.
- 6.17 I am of the opinion that the proposal will not result in a significant loss of privacy and complies with saved Policy P4/12 of the TMBLP. The proposal shows a balcony on the rear elevation. However, a condition could be used if planning permission is granted to require the submission of details of privacy screens.
- 6.18 Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of AONBs
- 6.19 I note the comments raised on the number of dwellings using a private access road. An outline application for a new dwelling on Blacksole Lane (TM/87/1313) was refused on the grounds that the proposal was contrary to KCC Adoption Policy No 1 which dictated against the siting of more than 4 dwellings off a private access. However, this policy is no longer a material consideration. There is currently no policy which specifies the number of dwellings using a private access.

- 6.20 Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. It states that where significant traffic effects on the highway network and/ or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.
- 6.21 Blacksole Lane serves several dwellings. One additional dwelling would result in occasional vehicular use to the lane, with those most likely to use it when children are walking to or from school (the occupiers) being very familiar with the need to respect footpath users. Therefore, whilst I note the objections relating to safety of pedestrians, on balance, I consider the proposal acceptable in this respect.
- 6.22 There have been no reported personal injury crashes at the junction with Blacksole Lane/Pilgrims Way over the last 3 years.
- 6.23 Whilst the area to the front of the proposed dwelling has not been marked as parking on the submitted Block Plan, I envisage that this area can be used for parking. A condition can control this if planning permission were granted. On this basis there is a satisfactory level of parking. However, there would be little scope for landscaping to the front of the site.
- 6.24 There does not appear to be any scope for on-site turning in addition to parking, and therefore it is likely that vehicles would need to reverse into/out of the site. Given that Blacksole Lane is a Public Right of Way, vehicles reversing into/out of the site are likely to result in additional hazards to safety. Policy CP24 of the TMBCS states that all development should make a positive contribution towards the enhancement of the appearance and safety of the area.
- 6.25 I note the concerns raised relating to emergency access. Given that there would be no potential for emergency vehicles to turn on site, a sprinkler system could be provided to make the proposal acceptable under Building Regulations.
- 6.26 In the light of the above considerations, I consider the proposal unacceptable.

7. Recommendation:

7.1 Refuse Planning Permission for the following reasons:

- 1 The proposed dwelling by reason of its scale, layout, appearance and parking provision is not well integrated with, and does not complement, the neighbouring buildings and the local area more generally and would therefore be harmful to the appearance and character of the area. This is contrary to Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3

(Housing), Policies CP1, CP13 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Managing Development and the Environment DPD 2010.

- 2 The absence of adequate vehicle turning facilities within the site would be likely to result in additional hazards to pedestrian safety on the Public Right of Way contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

Contact: Glenda Egerton