

**Trottscliffe**                      **564075 160314**    **3 November 2015**      **TM/15/03537/FL**  
Downs And Mereworth

Proposal:                      Demolition of redundant sheds and construction of new single storey dwelling house and garage. (Revised proposal following refused permission TM/15/00487/FL)

Location:                      Land Rear Of Cedar Bungalow Church Lane Trottscliffe West Malling Kent

Applicant:                      Mrs Vivienne Rogers

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**1. Description:**

- 1.1 The application proposes the demolition of several redundant sheds to the rear of the former Cedar Bungalow site and the construction of a new, single storey, dwelling house and detached single bay garage.
- 1.2 The new dwelling is broadly speaking an L-shaped bungalow with a ground floor area of 140 sq. metres. It would have a pitched roof with an overall ridge height of 4.1 metres. No habitable accommodation is shown on the proposed plans within the roof space and, due to the size of the roof, it is unlikely that this could be achieved within the proposed building design.
- 1.3 A single bay garage, totalling some 21.6 sq. metres, is proposed to the north of the new bungalow. An area of parking and turning space would be located between the garage and eastern frontage of the bungalow, accessed via a roadway, leading past two (recently built) new dwellings (TM/14/02117/FL), from Church Lane.
- 1.4 The new dwelling and detached garage would be constructed from red stock facing bricks, with vertical stained timber boarding and slate roof tiles. The bungalow would have 3 bedrooms and have well-proportioned open plan kitchen/dining room and sitting room.
- 1.5 Externally, the dwelling would sit within a parcel of land to the north of the new dwellings and a further parcel of land is included with the curtilage to the north west of the new dwellings. The curtilage of the dwelling has increased during the application process to include all of the land to the north of the proposed bungalow within the applicant's ownership.
- 1.6 The application form indicates mains drainage.

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

- 2.1 At the request of Cllr Anne Kemp due to the complex history of the site.

### **3. The Site:**

- 3.1 The application site lies to the north of the former Cedar Bungalow. The site originally comprised a dilapidated timber bungalow, which has since been demolished. Works have now finished for the construction of a pair of new semi-detached dwellings (TM/14/02117/FL); one of the dwellings is occupied.
- 3.2 The site lies almost entirely within the village settlement confines of Trottiscliffe, except for a small strip of land (approximately 2m in width) running along the north-eastern boundary. Similarly, it is also located almost entirely within the Trottiscliffe Conservation Area. It lies on a Water Gathering Area.
- 3.3 With the exception of several dilapidated corrugated metal sheds, which are understood to have been used in connection with the wider past horticultural use of the site, the application site is relatively open and forms a buffer between the village confines and the countryside.
- 3.4 The land to the north and north-east of the application site is open countryside, laid to grass/paddock and is designated as Metropolitan Green Belt. The entire site is located within the Kent Downs AONB; a land use designation that encapsulates both the surrounding countryside and the rural settlement confines of the village.
- 3.5 There are a number of Listed Buildings within the wider village, the closest to the application site being Trottiscliffe House. This is a Grade II Listed dwelling house located some 40 metres from the application site which shares the northern boundary of the application site.
- 3.6 The application site is accessed via a track-way; this is located between the eastern boundary of the new pair of semi-detached dwellings and the western boundary of Cheviots. The site is located approximately 50m north of the road frontage with Church Lane and some 70m south of Green Lane.
- 3.7 Views of the application site can be obtained from Green Lane, a narrow roadway and Public Bridleway leading to a limited number of dwellings. Generally land levels rise gradually in a northerly direction between Church Lane and Green Lane.

### **4. Planning History (relevant):**

TM/12/00296/FL	Refuse	4 December 2012
	Appeal Dismissed	4 September 2013

Demolition of Cedar Bungalow and outbuildings and erection of 4 detached dwellings, landscaping and car parking

TM/12/00297/CA	Refuse Appeal Dismissed	4 December 2012 4 September 2013
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Conservation Area Consent: Demolition of Cedar Bungalow and outbuildings and erection of 4 detached dwellings, landscaping and car parking

TM/13/00075/FL	Refuse	16 April 2013
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Demolition of detached dwelling and outbuildings and erection of 3 detached dwellings and associated works

TM/13/00076/CA	Refuse	16 April 2013
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Conservation Area Consent: Demolition of detached dwelling and outbuildings

TM/13/00077/FL	Refuse	16 April 2013
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Demolition of detached dwelling and outbuildings and erection of 2 detached dwellings and associated works

TM/13/00078/CA	Refuse	16 April 2013
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Conservation Area Consent: Demolition of detached dwelling and outbuildings

TM/13/03625/FL	Refuse Appeal Dismissed	30 May 2014 10 October 2014
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Demolition of Cedar Bungalow and outbuildings and erection of 3 terraced dwellings, landscaping and car park

TM/14/02117/FL	Approved	14 August 2014
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Demolition of Cedar Bungalow and outbuildings and erection of 2 semi-detached dwellings, landscaping and car parking

TM/15/00487/FL

Refuse

17 April 2015

Demolition of redundant sheds and construction of new single storey dwelling house and garage

## 5. Consultees:

5.1 PC: The Parish Council has no objection to the current application for the demolition of redundant sheds and construction of a single storey dwelling and garage, but would like to see a condition regarding the landscaping of the eastern boundary. They comment that the roof plan is incorrectly drawn and the land to the north should be incorporated into the garden to the new bungalow (amended plans have been received that address these two points).

5.2 Private Reps (16/0X/3S/6R) + Site/Press Notice. The following comments are raised:-

### 3 letters of support

- Support the proposal as the land will be maintained as opposed to becoming an area of unused wasteland.
- Recently approved applications in Ford Lane and Green Lane have been allowed so it seems logical that this application should be assessed and evaluated similarly.
- Occupants of new dwelling that overlook the site are keen to see the derelict outbuildings demolished and replaced with a bungalow of considered proportion and style. If approved it will enable the owners to maintain a higher standard of upkeep of the land surrounding the proposed property which is a positive. Currently it can look like scrub land with a derelict bunch of sheds upon it, not the area of outstanding natural beauty that Trottiscliffe is. Would ask that if there is any overlooking would ask for frosted glass in windows.
- This is a large field that is currently empty with no specific use; consider that it would be beneficial for a property to be built on the site as if left empty it may attract unofficial residents of a temporary nature.

### 6 letters of objection

- It would be harmful to the character of the conservation area and visually intrusive to the local distinctiveness of the Natural Beauty in the area; it does not address the previous grounds of refusal.
- The creeping development of this former smallholding should be resisted; there are 3.5 acres in the heart of the village that could be developed one house at a time.

- Had to endure the construction traffic on Church Lane with the two new dwellings that have been recently built; the thought of more development is very stressful.
- The design of the bungalow is acceptable but it is too close to the boundary of the new Cedar House and does not fit with the spatial character of the area; if placed further back would give a better degree of privacy. The dwellings in Ford Lane are nicely positioned so that they do not overlook each other.
- It is not considered that the loss of the tin out-buildings for a larger and different development will have a positive impact. It is considered that this view is not universally held – they are redolent of the history of their landscape being agricultural buildings. Their setting is not designated Previously Developed Land, they are a reminder of the rural nature of the area.
- Land to the north of the site should be incorporated into the development to ensure that it will not be developed in the future (revised plans have been received to this effect).
- TMBCS policy CP13 allows for new development if there is significant improvement to the character and functioning of the area or it is affordable housing – the proposed bungalow will not fulfil either of these requirements.
- Will affect the open views of the countryside, not been helped by the land owner ripping out the trees and erecting a metal fence. The proposed bungalow would erode the natural transition between settlement and the countryside.
- The proposal will be clearly seen from Green Lane as are the two recently built semi-detached properties on the site that already blight the view.
- Overdevelopment of the plot, urbanisation of this part of the village and a blurring of the boundary of the edge of the green belt. Commuted sums for the provision of affordable housing have been avoided.

## **6. Determining Issues:**

- 6.1 Policy CP1 of the TMBCS sets out the Council's overarching policy for creating sustainable communities. This policy requires, *inter alia*, that proposals must result in a high quality sustainable environment; the need for development to be balanced against the need to protect and enhance the natural and built environment; and that development minimises water and energy consumption on site. Furthermore, it recognises that development will be concentrated mainly on previously developed land and those at rural settlements where a reasonable range of services are available.

- 6.2 Policy CP13 of TMBCS allows for the new development within the confines of rural settlements such as Trottiscliffe. New development will be permitted within this settlement if there is some significant improvement to the appearance, character and functioning of the settlement; or is justified by an exceptional local need for affordable housing.
- 6.3 Policy CP24 of the TMBCS relates to achieving a high quality environment. This policy requires that development must be well designed, be of a suitable scale, density, layout, siting, character and appearance to respect the site and its surroundings.
- 6.4 As stated in paragraph 3.2 above, the application site is located almost entirely within the Trottiscliffe Conservation Area. The site forms the edge of the settlement boundary with open countryside (and Green Belt) land to the north and north-east. TMBCS Policy CP6 relates to development on the edge of settlements, stating that development will not be permitted on the edge of a settlement where it might unduly erode the separate identity of a settlement or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements.
- 6.5 The application site is located entirely within the Kent Downs Area of Outstanding Natural Beauty (AONB). Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. Paragraph 115 of the NPPF requires that LPAs give great weight to conserving landscape and scenic beauty within the AONB which have the highest status of protection in relation to landscape and scenic beauty. Policies CP1 and CP24 of the TMBCS, Policy SQ1 of the MDE DPD and paragraphs 17 and 56 to 66 in the NPPF require development to be of a high standard of design and to reflect the character of the area.
- 6.6 In terms of the impact on the Conservation Area it is also necessary to refer to paragraphs 131, 132, 133 and 137 of the NPPF; these outline the importance of heritage assets that includes Conservation Areas and Listed Buildings. It is outlined that development that leads to substantial harm to a heritage asset should be refused unless it can be justified that the harm is necessary to achieve substantial public benefits that would outweigh the harm. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably. The statutory requirement to give special consideration as to whether a development will preserve or enhance the character and appearance of a Conservation Area is furthermore set down in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.7 MDE DPD Policy SQ8 states that, *inter alia*, 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.

In this context the NPPF has a significant bearing; it is now clear that the nationally applied test in terms of highways impacts is that an impact must be “severe” in order for Highways and Planning Authorities to justifiably resist development on such grounds. Development proposals should comply with parking standards as set out in Kent Design Guide Review: Interim Guidance Note 3. In this instance the proposals meet the Council’s adopted standards which require two independently accessible spaces (excluding garages) in this village location. The proposals include ample space for off-street parking of several vehicles, exceeding the minimum requirement of two spaces.

6.8 Paragraph 17 of the NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The application site is not considered to constitute Previously Developed Land (PDL) since the definition of PDL contained in Annex 2 of the NPPF specifically excludes land that has been occupied by agricultural buildings. The existing corrugated metal sheds which currently occupy part of the application site are understood to have previously been erected/used in connection with the previous horticultural use of the site, whilst the remainder of the application site is undeveloped.

6.9 The most recent scheme for a bungalow on this site (reference TM/15/00487/FL) was refused on two grounds:-

- 1. The proposal would harm the character and appearance of the Trottiscliffe Conservation Area, contrary to the requirements contained in paragraphs 131, 132 and 137 of the National Planning Policy Framework 2012. Furthermore, there would be no public benefits of the proposal sufficient to overcome this harm, contrary to the advice contained in paragraph 134 of the National Planning Policy Framework 2012.*
- 2. The proposals would not respect the local distinctiveness of the area, including the settlement confines of Trottiscliffe, and would, through its design and siting erode the edge of the settlement confines with the open countryside. The development would be contrary to Tonbridge & Malling Borough Core Strategy Policies CP1, CP6, CP13 and CP24, Tonbridge & Malling Borough Managing Development and the Environment Development Plan Document Policy SQ1 and paragraphs 17, 56, 57, 58 and 64 of the National Planning Policy Framework 2012.*

6.10 These grounds of refusal which related to the size, bulky form and suburban design and its siting at the edge of the settlement will now be considered in light of the revised proposal.

6.11 The application site lies within the Trottiscliffe Conservation Area (CA). Any development within this location should either preserve, or where possible, enhance the character and appearance of the CA. Whilst I am aware that there is no particular architectural or design style within the CA, I consider that the amended design of the proposed bungalow and detached single garage is of a

rural character and scale that is suitable for the CA setting. Accordingly, the proposal would preserve and enhance the character and appearance of the CA and the previous ground of refusal has been overcome.

- 6.12 It is accepted that the vast majority of the application site (except for a small strip along the eastern boundary) is within the defined village confines, as noted in previous planning application refusals (TM/12/00296/FL, TM/13/00075/FL, and TM/15/00487/FL) and in a dismissed Inspector's Appeal Decision (APP/H2265/A/13/2192734 which related to planning application TM/12/00296/FL) and the site forms an important visual buffer with a gradual transition between the settlement and the open countryside to the north and north-east. For this reason, any development on this site needs to be appropriate to this specific setting, paying particular attention to ensuring that there is no significant loss of openness or an urbanisation of the edge of the village, this being a key policy test set out in TMBCS Policy CP6.
- 6.13 In order to overcome the previous ground of refusal regarding the local distinctiveness of the area and the buffer between the settlement confines and the open countryside beyond, the bungalow design proposed has been altered and the dwelling resited within the plot. The bungalow has been reduced from that previously refused in both its footprint and elevational form. It now covers an area of approximately 140 sq. metres as opposed to the refused 178 sq. metres (reduction of nearly 25%) and has a lower roof with an overall ridge height of 4.1m with hipped ends as opposed to the gable ended larger roof of the refused design with an overall ridge height of 5.5 metres. Moreover the bungalow has been moved away from the eastern boundary by 8 metres as opposed to the 1.5 metre separation proposed with the previous scheme, and moved further south within the plot so it sits closer to the newly built semi-detached dwellings; the garage has been made smaller (a single as opposed to a double) and moved to the north of the bungalow, and the plot size has increased to include the land locked area to the west of the site. I am of the view that the bungalow design, together with the single detached garage, are now generally rural in their overall character and appearance and better related to this sensitive edge-of-settlement location. I therefore consider that this second ground of refusal from the last scheme has been overcome.
- 6.14 Within the application it is stated that there will be new native planting along the northern and eastern boundaries with traditional post and rail fencing. In order to soften the development into the wider landscape, an appropriate level of new planting (comprising a mix of native hedgerow and trees) would undoubtedly be beneficial and a suitable condition could be added.
- 6.15 In respect of TMBCS Policy CP13, this allows for new development within the settlement confines if there is some significant improvement to the appearance, character and functioning of the settlement; or is justified by an exceptional local need for affordable housing. The new bungalow proposed is not intended to meet



an exceptional local need for affordable housing. However, the application will result in the removal of the redundant tin sheds, the scheme has been designed to avoid any adverse effect on the amenities of the occupiers of adjoining dwellings, and the development is in keeping with the existing scale, character and pattern of development within the locality.

- 6.16 The proposed bungalow and its associated residential curtilage would be visible from Green Lane (which is also a Public Bridleway), and will be more prominent in the landscape than the existing dilapidated metal sheds which it would replace. However, due to the design and scale of the proposed development, I do not consider that it would now result in the erosion of the settlement with the countryside beyond leading to a reduction in open aspect and an urbanisation of the edge of the settlement boundary: Furthermore, I do not consider that it would be harmful to the setting of the settlement and the natural beauty of the AONB and therefore would comply with TMBCS Policies CP6 and CP7 and the advice contained in para. 115 of the NPPF.
- 6.17 I am satisfied that the bungalow would not have a detrimental amenity impact on surrounding residential properties (including those recently built on the former Cedar Bungalow site). The bungalow is of sufficient distance and is orientated in such a manner to avoid direct overlooking or result in an unacceptable overbearing impact on surrounding residential property.
- 6.18 I have had regard to the setting of Trottiscliffe House, a Grade II Listed Building located some 35+ metres to the north-west of the application site. In this respect, I am of the opinion that the proposed development would not be harmful to the setting of this heritage asset, sufficient to justify the refusal of planning permission in this instance.
- 6.19 As discussed above, I have concluded that the proposals are acceptable in parking terms since the proposals provide for a minimum of two independently accessible parking spaces (excluding garage spaces) within the application site. I am therefore satisfied that the proposals would not result in an increased demand for parking off-site (e.g. in Church Lane) which could lead to potential increased safety hazards. Furthermore, the resultant impact of one additional dwelling in this location would not result in a “severe” highways impact, sufficient to justify the refusal of planning permission in this instance when considered against the nationally applied test set out in para. 32 of the NPPF.
- 6.20 The proposals do not specifically detail the proposed surface material of the new vehicle access way that would lead to the dwelling. The existing access to the application site (and other land owned by the applicant beyond) currently comprise a low key agricultural track-way. Whilst the proposed surface finish could be secured by condition, it would be necessary to ensure that any new road way, turning and parking facilities are appropriately ‘rural’ in their character and

appearance and do not appear as dominant urbanising features. Subject to an appropriate rural design, I have no objections to this aspect of the proposals.

- 6.21 The application site and nature of the proposal is not of a sufficient scale to warrant affordable housing in this instance.
- 6.22 The application is accompanied by a Preliminary Ecological Appraisal for the site which concludes that, subject to the implementation of recommendations in respect of protecting slow worms and nesting birds during the construction phase, together with recommendations regarding external lighting (suitable for bats) and habitat enhancements, the proposals should not materially harm protected species. Having regard to the standing advice for protected species, I consider that any ecological matters could be reasonably secured by condition which would comply with Policy NE3 of the MDE DPD and paragraphs 117 and 118 of the NPPF.
- 6.23 I am satisfied that a number of other technical matters, including refuse facilities, boundary fencing, external lighting and levels, can be dealt with by appropriately worded planning conditions.
- 6.24 Due to the past horticultural storage uses of the site that may have caused pollution plus the risk of potential asbestos material in the sheds being removed, a suitable contamination condition is suggested. The site lies on a Water Gathering Area so the mains drainage also needs to be conditioned as that is the best option to safeguard the quality of groundwater in the light of the national PPG.
- 6.25 For the reasons outlined above, this application should be granted.

## 7. Recommendation:

**Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 03.11.2015, Letter dated 09.11.2015, Ecological Assessment dated 09.11.2015, Ground Investigation Report dated 09.11.2015, Location Plan dated 05.01.2016, Drawing 01 C dated 05.01.2016, Drawing 4 C dated 05.01.2016 subject to 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 dwelling shall not be 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 2015 (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 2015 (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: To protect the rural distinctive character of this area.

6. There shall be no external lighting except in accordance with a scheme that has been submitted to and approved by the Local Planning Authority.

Reason: To protect the amenities of nearby dwellings and to protect bats in the area.

7. No development shall take place until details of finished floor, eaves and ridge levels compared to adjacent ground levels 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.

8. The development hereby approved shall be connected to the mains drainage system unless a scheme of alternative foul drainage has been submitted to and approved by the Local Planning Authority. Any approved scheme of foul drainage shall be implemented, retained and maintained on site at all times.

Reason: In the interests of groundwater quality.

9. (a) 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.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

10. The recommendations as set out in the Ecological Appraisal dated 15.11.2103 shall be undertaken and in line with a Natural England European Protected Species Licence. Works shall cease if any new evidence of protected species are found. Works shall not recommence until details of those additional measures have been submitted in writing to the Local Planning Authority.

Reason: In the interests of protected species and biodiversity and in accordance with Policy NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 118 of the National Planning Policy Framework 2012.

11. No development shall take place until details of the surface material of the access road 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 demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday

to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Bank Holidays.

2. The disposal of demolition waste by incineration is contrary to Waste Management Legislation. No bonfires should be used at the site.
3. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, 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.
4. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
5. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins / box 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: Rebecca Jarman