

Leybourne **568448 159373** **24 November 2015** **TM/15/03771/FL**
West Malling And
Leybourne

Proposal: Demolition of existing dwelling and garage and construction of
a replacement detached dwelling and garage
Location: The Lodge Birling Road Leybourne West Malling Kent ME19
5HR
Applicant: Taylor Wimpey South Thames & The Homes And Communities
Age

1. Description:

- 1.1 This application seeks planning permission for the demolition and construction of replacement detached dwelling and double garage. The replacement detached dwelling is to be located in the same position as the original to be demolished with the detached garaged located to the north of the dwelling. The garage is to measure 6.5 metres wide by 6.2 metres long be 4.9 metres in height at its highest point and is to be accessed from Birling Road.

2. Reason for reporting to Committee:

- 2.1 Application called in by Cllr Luker on the grounds of the highway safety concerns over the use of the access onto Birling Road.

3. The Site:

- 3.1 The application site is a detached dwelling located to the north eastern corner of Leybourne Chase. The site sits north of the Bannister Way (Leybourne Chase access road) and on the junction with Birling Road. The A228 is approximately 75 metres to the east of the site.
- 3.2 The site is wholly within the Metropolitan Green Belt and outside the built confines of Leybourne. Footpath MR128 runs directly to the north of the site with MR129 to the south across the Bannister Way and MR596 runs to the east on the opposite side of Birling Road.

4. Planning History (relevant):

- 4.1 None relevant.

5. Consultees:

- 5.1 PC: Any response will be given in a supplementary report.
- 5.2 Private Reps (0/0S/0R/0X + Site notice): No representations received.

5.3 KCC (H+T): Access onto Birling Road existing. With regards to highway safety the access has good visibility and vehicle speeds are likely to be low at this point on Birling Road. Looking at the internal layout the proposal has adequate parking and turning facilities within the site.

6. Determining Issues:

6.1 The application site lies within the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 89 states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, there are exceptions and one of these includes the replacement of a building providing it is not materially larger than the one it replaces. Policy CP3 of the TMBCS requires proposed development within the Green Belt to comply with National Policy.

6.2 The dwelling to be demolished is of a modest size having a rectangular form. A single garage is also indicated to be on site however this was removed with the construction of the temporary access road. The replacement dwelling is to be sited in the same location as the one to be demolished and is also to be two storeys in height. The replacement dwelling is to be 10 metres long compared to 9.6 metres of the original however the replacement dwelling is to be L-shaped and therefore will be wider measuring 9.5 metres rather than 6.7 metres width of the original house. Although the replacement dwelling would be wider than the one it replaces I do not consider that it would be materially larger than what is currently on site and for that reason would be in accordance with Green Belt policy.

6.3 Policy CP14 of the TMBCS sets out to restrict inappropriate development in the countryside but allows for the one for one replacement or appropriate extension to an existing dwellinghouse. Taking into account the application proposes the one for one replacement of a dwelling and would not be considered inappropriate in the Green Belt I am of the view that the proposal would be in accordance with policy CP14.

6.4 More generally, SQ1 of the TMBC MDE DPD requires that proposed development of the area and where possible preserve or enhance the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape.

6.5 The original dwelling that is proposed to be replaced was formally the Lodge House for the Leybourne Grange. The dwelling is therefore modest in scale providing an open junction into the Leybourne Grange with the smaller side elevation of the building being visible from Birling Road. The proposed dwelling is to be wider than the dwelling removed with a large detached double garage being located to the north east of the dwelling adjacent to the northern boundary. This increase in the width of the building and the large double garage would increase the built form visible from Birling Road which that could impact on the openness of the junction that has been a character feature of the area.

- 6.6 The Landscaping works has already commenced around the Birling Road junction with a low level red brick wall built around the boundary to the south and east of the Lodge. In considering that the proposed replacement dwelling is to be located in the same location as the one it replaces and the detached garage is to be located on the northern boundary of the site in close proximity to the dwelling, I am of the view that although the built form would be increased it would not result in an unacceptable harm on openness of the junction to warrant refusal on these grounds.
- 6.7 Policy CP24 of the TMBCS requires all development proposals to be well designed and of a high quality. It also requires proposals to be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance and safety of the area. The proposal is of a modern design which would be in keeping with a number of the dwellings within the wider area. The design and access statement outlines the materials to be used which are red/orange brick construction with stone coping and grey slate tiles. The proposal is of a generally good standard of design and would be in keeping with the character of the wider area.
- 6.8 With regards to the vehicular access, the applicant has stated that the existing access onto Birling Road is to be retained with the plans showing a single garage located to the east of the dwelling. Members will recall that the curtilage of the Lodge was used as a temporary access while works were being undertaken to the Leybourne Grange access from Birling Road. The information I have available would suggest that there has historically been an access from the Lodge onto Birling Road which I am to understand became overgrown prior to the works to extend the access to provide the temporary access road.
- 6.9 KCC(H+T) have commented with regards to the access and due to the good visibility and likely low vehicle speeds at this point of Birling Road have raised no objection from a highway perspective. Taking into account the information available that there has historically been an access from the lodge onto Birling Road I do not consider the proposal results in a severe highway safety risk in accordance with policy SQ8 of the TMBC MDE DPD.
- 6.10 The proposed double garage is to be located to the north boundary of the site and therefore would be in close proximity to the MR128 footpath. The boundary treatment to the north side of the site is sparse and therefore would provide little screening of the detached garage that is to be located directly on the boundary. Despite the proximity to the footpath given the limited eaves height of only 2.1 metres I do not consider that the garage would adversely impact on the footpath.
- 6.11 There is possible concern regarding the noise levels particularly due to the location of the development close to the A228. This application seeks permission for a replacement dwelling and as such does not seek to change the lawful residential use of the land. In considering that there is no change of use proposed

I do not think it is appropriate in this case to require detailed noise assessments to be undertaken. In addition to this an informative is suggested in relation to potential for asbestos discovered during demolition.

7. Recommendation:

7.1 Grant Planning Permission subject to the following conditions.

This was approved in accordance with the following submitted details: Site Layout SL-E.101 A (existing) dated 24.11.2015, Bat Survey dated 24.11.2015, Letter dated 24.11.2015, Planning Statement dated 24.11.2015, Ecological Assessment dated 24.11.2015, Existing Plans and Elevations EX-GARAGE.PE dated 24.11.2015, Existing Elevations EX-GATE.E101 dated 24.11.2015, Existing Floor Plans EX-GATE.P101 dated 24.11.2015, Proposed Plans and Elevations GAR.101 dated 24.11.2015, Elevations GATE-1328.E dated 24.11.2015, Floor Plan GATE-1328.P dated 24.11.2015, Design and Access Statement dated 24.11.2015, Location Plan LP.01 A dated 24.11.2015, Site Layout SL.101 A (prop) dated 24.11.2015,

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. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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 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. No development shall take place until details of any joinery to be used have been submitted to and approved in writing 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 visual amenity of the locality.

5. Prior to first occupation of the dwelling, a scheme of external lighting shall be submitted to and approved by the Local Planning Authority. Any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenity of the rural landscape.

6. No development shall take place until a plan showing the proposed finished ground floor level and ridge level of the dwelling in relation to the surrounding ground levels has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved plan.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

Informatives

1. The development involves demolition and, owing to the likelihood of the buildings containing or being constructed of asbestos, the applicant should contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

Contact: Paul Batchelor