

Ryarsh
Downs And Mereworth

25 January 2016

TM/16/00211/FL

Proposal: Proposed demolition of existing property and erection of three detached dwellings, detached garages, new highways access plus other ancillary works. Resubmission of TM/15/02952/FL
Location: Brionne The Street Ryarsh West Malling Kent ME19 5LQ
Applicant: Clarendon Homes Ltd

1. Description:

- 1.1 The proposal seeks planning permission for the demolition of the existing detached dwelling and for the erection of three detached dwellings, detached garages, new highways access plus other ancillary works.
- 1.2 Plots 1 and 2 are proposed as four bedroom dwellings and plot 3 is proposed as a three bedroom dwelling. Plot 1 will face The Street and the dwelling proposed faces south and measures 10.5m wide x 10m deep x 7.9m high. Plot 2 will be sited parallel to The Street, facing east along the rear boundary of Scannells Cottage and measures 10.5m wide x 10.6m deep x 8.1m high. Plot 3 will be next to Plot 2 and be aligned along the northern boundary, also parallel to The Street and measures 8.8m wide x 12.7m deep x 8.4m high.
- 1.3 It is proposed to replace the existing driveway with a new driveway, which would be located between Scannells Cottage and Plot 1. Each plot will have a single carport, all to be sited in the NE corner, close to the boundary with The Hollies. In total there are 3 carport spaces and 6 driveway parking spaces.
- 1.4 The application has been amended since originally submitted to reduce the scale of the proposed dwellings and to set Plot 1 further back into the site, 6m from the highway.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllrs Balfour and Kemp because of local concerns relating to over development of the site.

3. The Site:

- 3.1 The application site measures 0.28ha (0.7 acres) and is situated partly within the settlement confines of Ryarsh.
- 3.2 The south-east part of the site fronting The Street, where Plot 1 is to be sited, lies within the Conservation Area and within the rural settlement boundary.
- 3.3 The west of the site which is the garden of Brionne (and is the proposed garden areas for Plots 2 and 3) lies outside of the settlement confines and within the

Metropolitan Green Belt. The Metropolitan Green Belt and open countryside also bounds the north of site.

- 3.4 Ryarsh also lies within an Area of Outstanding Natural Beauty.
- 3.5 The Street comprises a mixture of property styles, mostly sited along the road frontage. The existing dwelling is currently set back from the highway, with a large garden to the front. The existing private garden area is located to the west side of the dwelling.
- 3.6 The site is a relatively flat site. There are a number of trees screening the north and west of the site, and a number of fruit trees within the site.

4. Planning History (relevant):

TM/12/02460/FL Application Withdrawn 22 October 2012

Erection of 3 detached, 4 bedroom houses, each with 2 car parking spaces, together with the demolition of the existing house, and improvements to the existing drive and turning space

TM/14/03008/FL Approved 7 November 2014

Erection of a two storey, three bedroom detached house and construction of a vehicular access, all as approved under reference TM/11/03066/FLX

TM/15/02952/FL Application Withdrawn 11 November 2015

Proposed demolition of existing property and erection of three detached dwellings, detached garages, new highways access plus other ancillary works

5. Consultees:

- 5.1 PC: The Parish Council objects to the proposed development for the following reasons:

- The size and scale of the proposed dwellings are too large for the central village location;
- The design of the proposed dwellings is out of keeping with the surrounding locality and will adversely affect the neighbouring properties and streetscene;
- The design lacks character and individuality and will not fit in with properties in the centre of Ryarsh and will be detrimental to the village;
- The size and height of the roof of the proposed dwellings will also affect the views for walkers in the Downs, as the properties will stand out and be clearly visible;

- Neighbours will be overlooked and lose privacy and light;
- A number of nearby dwellings in the village are Listed. The requirements of the NPPF and Planning Law should be fully considered in relation to these Listed Buildings that would be adversely affected (these include the Duke of Wellington Public House, The Holmes and Elm Tree House);
- A Conservation Architect or expert should be consulted about the effect of these proposals and a Heritage Statement should be prepared to inform and accompany proposals;
- One of the proposed dwellings will become the most dominant dwelling in the street, rather than one of the historic older buildings;
- The quality of the submitted plans is hard to understand in terms of what is proposed and it is difficult to compare it with the existing dwelling or adjacent dwellings;
- The applicant states that the proposed dwelling at Plot 1 is the same as the existing planning permission at Brionne. This is misleading. The volume of the existing permission shown by the applicant is calculated to include a separate garage, so the actual volume of the house itself is much smaller. The volume of the proposed property at plot one is just for the house and the additional volume of the separate garage is not included and not compared on an equal basis;
- The width of Brionne on the applicant's plans is shown to be wider than the actual house is;
- The 2D plans submitted with the application are insufficient. A set of 3D plans should be submitted and a need for a better understanding of the size and nature of these proposals. All dimensions should have been provided;
- The roofline shown on the plans is much higher than the existing dwelling, which will have a negative impact on neighbours and the feel of the village;
- Planning permission was granted for only one additional property. There is a strong local feeling that this original permission should have been granted and subsequently renewed. Neighbours purchased their properties with knowledge of the original permission and it would be extremely unfair to force a different development on them;
- The latest plans will have a detrimental impact privacy and amenity of neighbouring properties;
- The proposed access is inadequate and impractical, with no passing places. The Street is narrow and close to a blind bend and this will be dangerous.

Cars park almost opposite the proposed entrance, which will make manoeuvrability difficult;

- The stream behind the Quarry floods and there is a risk of flooding on this site;
- The proposal will result in problems for the sewers, which are shared with existing properties;
- There are other large sites in the village being developed within the village so this site is not needed;
- An application for Moonfield, further along The Street, was refused as inappropriate development that is by definition harmful to the Green Belt and would harm the open nature of the Green Belt by virtue of its footprint, size and scale. These same objections apply to this application and there are no special circumstances present.

5.2 KCC (Highways): No objections.

5.3 Private Reps: 11/0X/0R/21R + Site notice. 14 letters of objection received to initial consultation and 9 letters of objection received following reconsultation, 3 from the same household. The objections submitted raise the following concerns:

- Roof height out of scale to surrounding dwellings;
- Scale of the proposed dwellings will dominate neighbouring dwellings;
- Out of proportion;
- Increase in traffic movements;
- Access to all car spaces is narrow and if blocked could be dangerous;
- Ryarsh does not benefit from good public transport links;
- Proposed visibility splays are inadequate as the highway is only 5.5m wide with no footpaths or verges;
- The proposed bin storage adjacent to neighbouring dwellings is an indication of overdevelopment;
- No demand for large dwellings as other sites nearby being developed;
- Unsympathetic to setting of Conservation Area;
- Plot 1 greater in volume, floorspace and height than extant permission;
- Loss of light and privacy to adjacent dwellings;

- Sewage/drainage in surrounding locality will be detrimentally affected;
- High water table and flooding has occurred in the past;
- Unclear as to what boundary planting there will be;
- Out of keeping with village – too modern and large (in scale and height), too many, too dense and unsympathetic to character of this part of village;
- Latest plans have increased number and area of windows – detrimental to privacy of adjacent properties;
- Impossible to see a reduction in scale from previous plans;
- No significant changes to appearance of houses;
- Plot 1 is higher than extant permission and executive style modern home, which has lost any attempt to emulate village-style;
- Plot 1 will dwarf neighbouring dwelling and facing dwellings;
- Plot 1 is for a 10% larger footprint. A house of this bulk would be detrimental in this location and too imposing on established neighbouring houses.
- Over-intensive development;
- All of the proposed dwellings are the same and out of character with the village location;
- Current approval for new dwelling set too far back into site;
- Proposed dwelling is for a 4 bedroom dwelling of much larger bulk to the extant permission;
- The submitted plan shows the existing building as being 15m wide, but it is less than 10m wide with a low level flat garage;
- Paragraph 129 of the NPPF states that LPA's should identify and assess particular significance of any heritage asset that may be affected by a proposal unhelpful that the Council have not got a Conservation Area Appraisal;
- The part of the site falling outside of the Conservation Area is an integral part of its setting;
- Two of the proposed garages are separated from their host dwellings and will clutter up the rear spatial area;
- Concerns over maintenance of proposed garages;

- The general form of the historic core is linear;
- When viewed from the AONB the village appears uncluttered at present. The proposal will result in the appearance of clutter;
- Proposal will impinge on Human Rights

6. Determining Issues:

- 6.1 An extant planning permission exists for one detached dwelling to the front of the site (TM/14/03008/FL), in addition to retention of the host dwelling. Hence this application is for a net gain of 1 dwelling over and above what has been approved under that planning permission.
- 6.2 Part of the application site lies within the rural settlement confines of Ryarsh, where policy CP13 of the TMBCS applies. This policy states that new development within the confines of Ryarsh should be restricted to minor development, appropriate to the scale and character of the village.
- 6.3 Part of the site does fall outside of the settlement confines, within the Metropolitan Green Belt and open countryside.
- 6.4 Paragraph 89 of the NPPF and Policy CP3 of the TMBCS state that the construction of new buildings is inappropriate development within the Green Belt. However, the proposed dwellings themselves would be sited within the settlement confines of Ryarsh and it is the proposed garden areas of Plots 2 and 3 that would be located within the Metropolitan Green Belt. As this is already Brionne's garden and thus there is no built development or material change of use, the proposal overall does not amount to inappropriate development within the Metropolitan Green Belt.
- 6.5 A previous proposal was submitted but withdrawn for 3 dwellings (TM/12/02460/FL) on the site, where two of the dwellings were sited such that they encroached into the MGB. This current proposal shows all the footprints of the dwellings within the settlement confines. The land to the west for the gardens of plots 2 and 3 lies in the Metropolitan Green Belt but currently forms part of the residential garden area of Brionne, and therefore I am of the opinion that the built form of the proposal from this position will not have a detrimental impact on the rural Green Belt.
- 6.6 Policy CP14 of the TMBCS sets out acceptable development within the countryside. The construction of new buildings is not one of the developments listed. However, it is also the proposed garden areas of Plots 2 and 3 that would be located outside of the settlement confines, within the open countryside, and therefore as this is already garden, the proposal overall does not amount to unacceptable development in the countryside.

- 6.7 Policy CP6 of the TMBCS states that development will not be permitted within the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside. Revisions have secured Plot 3 to be set further south within the plot, away from the northern boundary of the site with the adjacent countryside, where there are relatively open views. The intervening distance is 2m and I am of the opinion that this dwelling will not be significantly detrimental to views of Ryarsh from the countryside.
- 6.8 The application site (as is all of Ryarsh) is located within the Kent Downs 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. I am of the opinion that the proposal is not a form of development that would adversely affect the natural beauty and quiet enjoyment of the AONB bearing in mind it is generally within character with the rest of Ryarsh.
- 6.9 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 the heritage assets that includes Conservation Areas.
- 6.10 Plot 1 lies within the Ryarsh CA. There is an extant planning permission for a new dwelling to the front of the existing dwelling; this would be set back from The Street by 6.5m. Plot 1 has been set back further into the site compared with the previous application (TM/15/02952/FL) and would be of a similar location to the extant permission for a new dwelling (TM/14/03008/FL), 6m from the edge of the highway. I am of the opinion that the positioning of this dwelling will sit comfortably within the street scene, between Scannells Cottage and The Hollies, in terms of its impact on the streetscene and upon the character of the CA.
- 6.11 Policy CP24 of the TMBCS states that all development should 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.
- 6.12 The dwellings have been designed with a reasonable space between each dwelling and would also have a detached garage/carport. The plans have been amended during the course of this application to reduce the overall footprint. However, the proposed dwellings are larger than the footprint of the majority of the surrounding buildings. The footprint of the extant permission for a new dwelling to the front of the existing dwelling (TM/14/03008/FL) is 91.39 sqm and the existing dwelling is approximately 138 sqm. Therefore, on balance, I am of the opinion that the footprint of the proposed dwellings is acceptable in terms of the local character and not an overdevelopment. The density is 11 dwellings per hectare.

- 6.13 The design of the proposed dwellings has been amended to create more individuality between the proposed dwellings. I am of the opinion that the proposed dwellings are relatively rustic in terms of design, with the use of clay facing brickwork, clay hanging tiles and roof tiles, cast aluminium guttering and exposed eaves. Windows are proposed as timber casement. I am of the opinion that the design of Plot 1, which is in the CA, is an improvement on the extant permission for the front of the site (TM/14/03008/FL), and is more rural in character. The height of the proposed dwelling is similar to that previously approved, and it is to be located in a similar position. Whilst I note that a carport is also proposed to serve Plot 1, permitted development rights were not removed within the permission of TM/14/03008/FL and therefore if that scheme were to be constructed an outbuilding could have been erected to the rear of the dwelling at a later date without requiring planning permission.
- 6.14 I note that there are a number of privacy issues that have been raised. However, there will be no direct overlooking of surrounding existing dwellings or the private area close to their facades, as a result of the proposal. I am satisfied that the proposal will not result in a significant loss of privacy or residential amenity to the other adjoining dwellings.
- 6.15 Plot 2 is shown to be located 1m from the boundary with the rear garden of Scannells Cottage. Scannells Cottage itself is located 17m from the boundary. On balance, I am of the opinion that the siting of Plot 2 is acceptable, not significantly detrimental to the amenity of Scannells Cottage due to distance and orientation and that there are no flank windows which overlook.

Access and Parking Provision:

- 6.16 I note the objections relating to parking provision and access. However, the proposal accords with the KCCVPS and KCC (Highways) has raised no objections.
- 6.17 Whilst I note concerns that this proposal would have a detrimental impact upon highway safety, the dwelling at Plot 1 has been moved back from the previous scheme (TM/15/02952/FL) to be set further back from the building line of adjacent dwellings. KCC (Highways) has raised no objections on highway safety grounds.
- 6.18 In terms of the submitted Tree Survey, I note that some of the fruit trees on the site have not been shown on the plan. However, these would not be suitable for a formal Tree Preservation Order in any case. The Landscape Officer is satisfied with the submitted Tree Survey.
- 6.19 I note the concerns relating to a loss of view from the proposal. However, this is not a material consideration.

- 6.20 In terms of sewage connection, it is proposed to connect the proposed dwellings to the main sewer. I note the concerns raised regarding the existing sewer connection. However, this is a matter for Southern Water to address.
- 6.21 I note the concerns relating to additional light at night and the loss of Human Rights. However, these matters are not of significant material consideration in this case that would give weight to the outcome of the application.
- 6.22 Working hours when the proposed development is being carried out falls under Environmental Protection legislation. However, an informative can be attached to any planning permission advising of the legislation. The provision on site for construction vehicles when carrying out the development is not a material planning consideration and would similarly have to be the subject of an informative.
- 6.23 In light of above considerations I am of the opinion that the proposal is acceptable.

7. Recommendation:

Grant Planning Permission in accordance with the following submitted details: Letter dated 08.04.2016, Materials Schedule dated 08.04.2016, Block Plan 2014-137 (P) 005 B dated 08.04.2016, Proposed Plans and Elevations 2014-137 (P) 100 B dated 08.04.2016, Proposed Plans and Elevations 2014-137 (P) 101 B dated 08.04.2016, Proposed Plans and Elevations 2014-137 (P) 102 B dated 08.04.2016, Proposed Plans and Elevations 2014-137 (P) 103 B dated 08.04.2016, Street Scenes 2014-137 (P) 104 B dated 08.04.2016, Design and Access Statement dated 25.01.2016, Arboricultural Survey Part 1 of 2 dated 25.01.2016, Arboricultural Survey Part 2 of 2 dated 25.01.2016, Tree Protection Plan dated 25.01.2016, Drawing Tree survey plan dated 25.01.2016, Location Plan 2014-137(P) 001 A dated 25.01.2016, Block Plan 2014-137(P) 105 B dated 03.05.2016,

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 use shall not be commenced, nor the premises 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 Class 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: In the interests of amenity.

- 6 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 2015 (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.

- 8 No development shall take place until a scheme of surface water disposal for the development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reasons: To protect groundwater.

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

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

Informatives:

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited 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. 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.
- 2 The applicant must liaise with KCC Highways prior to and during the construction phase to ensure that safety of all users of the public highway is maintained at all times.
- 3 Tonbridge and Malling Borough Council operates a wheeled bin, kerbside refuse collection service. In addition the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. On the day of collection, the wheeled bin from each property should be placed on the shared entrance at the collection point adjacent to the adopted KCC highway. The Council reserves the right to designate the type of bin/container. The design of the development must have regard to the type of bin/container needed and the collection method.
- 4 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 to 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

Contact: Glenda Egerton