

**Ryarsh**  
Downs And Mereworth

**18 August 2016**

**TM/16/02512/FL**

Proposal: Demolition of existing dwelling and erection of three detached bungalows; creation of new vehicular access and provision of access drive, landscaping and other ancillary works  
Location: Brionne The Street Ryarsh West Malling Kent ME19 5LQ  
Applicant: Clarendon Homes  
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**1. Description:**

- 1.1 The proposal seeks planning permission for the demolition of the existing detached house and for the erection of three detached bungalows, creation of a new vehicular access and provision of an access drive, landscaping and other ancillary works.
- 1.2 Plot 1 is proposed as a one bedroom bungalow, whilst plots 2 and 3 are proposed as two bedroom bungalows.
- 1.3 Development is currently underway at the front of the site for the construction of a two storey house, as permitted under TM/14/03008/FL, with a new access onto The Street. Minor amendments are currently being sought (TM/16/03068/NMA).
- 1.4 It is proposed to replace the existing driveway with a new driveway, which would be located between Scannells Cottage and the new dwelling under construction. Plots 2 and 3 are shown to have two parking spaces, and Plot 1 is shown to have one parking space.

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

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

**3. The Site:**

- 3.1 The application site measures 0.24ha (0.6 acres) and is situated partly within the settlement confines of Ryarsh.
- 3.2 The area to the south-east of the site, where TM/14/03008/FL is being developed, 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 area for Plots 2 and 3) lies outside the settlement confines and within the MGB. The MGB and open countryside also bounds the north of the site.
- 3.4 Ryarsh also lies within an AONB.

- 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

TM/16/00211/FL      Refuse      1 June 2016

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

TM/16/02003/RD      Pending Consideration

Details of conditions 2 (materials), 3 (joinery) and 7 (landscaping) submitted pursuant to planning permission TM/14/03008/FL (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/16/03068/NMA      Pending Consideration

Non material amendment to planning permission TM/14/03008/FL: Variations to proposal as illustrated on drawings 137-501 and 137-502

**5. Consultees:**

5.1 PC: Object on the following grounds:

- The reasons for refusal of application TM/16/0211/FL still apply and are very pertinent. This application will still be detrimental to the character and

appearance of the Conservation Area and visual amenities of the streetscene. The three bungalows are of such a bulk and scale that they will take up the same floor space as the houses refused in TM/16/00211/FL. The proposed bungalows have a large floor area compared with the house the applicant is currently building and other houses in the area;

- The proposal would result in overdevelopment of the site;
- The PC is unclear as to whether the property should be in the Green Belt or outside of the village envelope when taking into account neighbouring properties or whether the site lies within the Conservation Area;

5.2 KCC (Highways): No objection, subject to conditions.

5.3 EA: No comments;

5.4 Kent Fire: The provision of an access roadway of 3.7m in width, at all points 45m from all points within the dwelling must be provided. Alternatively, the installation of a domestic sprinkler system in the dwelling will increase the distance of Fire Service access to 90m within the proposed dwelling.

5.5 Private Reps: 14/0S/0X/4R + site & press (CA): 4 letters received, objecting on the following grounds:

- The site is currently under development with the construction of a two storey dwelling to the front of the site. The development of three further properties would result in over-intensive development of a sensitive site within the Conservation Area;
- The proposal will result in noise, light and visual intrusion, particularly for Scannells Cottage and The Hollies. This could be mitigated by a proposal for two dwellings rather than three dwellings;
- Any planning permission should prohibit roof space development or the future addition of additional storeys to the dwellings;
- Any proposal should condition the existing hedgerow on the eastern boundary to be retained to ensure that privacy of adjacent dwellings is ensured;
- The construction works to the front of the site to develop TM/14/03008/FL do not follow this consent. They are attempting to build a larger dwelling;
- Whilst the applicant has stated that The Street does not meet the definition of a main road, it is an important road into the village and often used as a cut-through at peak times in the morning and evening, when hold-ups occur at the narrower points;
- Refuse collection and access for emergency vehicles problematic;

- The proposal is out of character with the area and, if implemented, will have a detrimental effect on the Conservation Area, falling short of the requirements of Policy CP24 of the TMBCS;
- The proposal would harm the visual amenity of the locality and, in particular, the immediate neighbours;
- The proposal will be visible from The Street;
- The proposal does not protect the amenity and/ or privacy of adjoining properties;
- The proposed dwelling is too large and overwhelming from the village and surrounding properties, contrary to Policy CP13 of the TMBCS;
- The proposal is comparable to a recent case in Dartford for the demolition of two bungalows and replacement with two detached dwellings, which was determined to be an undesirable erosion of the character of the area...diminishing the visual quality of the streetscene;
- The footprint of the proposal is still not proportionate in relation to the surrounding dwellings;
- The proposal does not conserve or enhance the character of the locality;
- Changes to legislation now mean that gardens are no longer considered land that has been previously developed;
- Local policy outlines the importance not to urbanise the character of rural areas. The proposal is of uniform appearance which lacks character and is more in-keeping with new developments on Kings Hill, Leybourne Chase or Ryarsh Park. This proposal will detract from the character of the village;
- The proposal would destroy important habitats for wildlife;
- The proposal would result in additional traffic generation and highway safety issues;
- Strain on existing sewers and drainage;
- Inaccuracies with the submitted tree survey, block plan, site plan and boundaries;
- Vehicles entering and exiting the proposed driveway will be of great disturbance to adjacent dwellings.

**6. Determining Issues:**

- 6.1 In considering applications it is necessary to determine them in accordance with the Development Plan unless other factors indicate otherwise. The more growth orientated character of the NPPF, published in March 2012 as National Government policy, has to be taken into account.
- 6.2 Policy CP1 of the TMBCS 2007 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 will be balanced against the need to protect and enhance the natural and built environment, and preserve, or where possible enhance the quality of the countryside, residential amenity and land, air and water quality; where practicable, new housing development should include a mix of house types and tenure and must meet identified needs in terms of affordability; and development will be concentrated at the highest density compatible with the local built and natural environment mainly on PDL. I note the comments relating to the definition of previously developed land. However, the case cited by the representation is located within the Green Belt, where different policies apply.
- 6.3 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.

*Impact on Green Belt and open countryside:*

- 6.4 Part of the site does fall outside of the settlement confines, within the MGB and open countryside.
- 6.5 Paragraph 89 of the NPPF and Policy CP3 of the TMBCS states 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 MGB. 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 MGB.
- 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 It is acknowledged that two of the proposed bungalows abut the MGB line, but that situation has been accepted by the Planning Inspectorate or in similar situations.

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. Plot 3 is set 1.6m south of the northern boundary of the site and I am of the opinion that this bungalow will not be significantly detrimental to views of Ryarsh from the countryside.

Area of Outstanding Natural Beauty:

- 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.

Conservation Area:

- 6.9 In terms of the impact on the CA 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 CAs. I am of the opinion that the proposal will have a limited impact upon the character or setting of the CA or the streetscene given that it will be set back behind the dwelling currently being developed at the front of the site.

Amenity:

- 6.10 Policy CP24 of the TMBCS relates to achieving a high quality environment. This policy requires that development must be well designed, be of suitable scale, density, layout, siting, character and appearance and be designed to respect the site and its surroundings. Policy SQ1 of the Tonbridge and Malling Borough Council Delegated Report MDE DPD reinforces this requirement that all new development should protect, conserve and, where possible, enhance (a) the character and local distinctiveness of the area including its historic and architectural interest and the prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation and property boundaries.
- 6.11 The proposed dwellings are larger than the footprint of the majority of the surrounding buildings. Whilst the density of the proposal is low, given that the proposed dwellings have had to be positioned to the east of the site to avoid developing within the Green Belt, this gives the appearance of a high density cul

de sac style development. On balance, I am of the opinion that the footprint of the proposed dwellings is acceptable in terms of local character and not an overdevelopment. The overall density is 11 dph.

- 6.12 The proposed dwellings have been designed to be single storey bungalows. Whilst there are few bungalows characterising the surrounding locality, I am of the opinion that the proposal is consistent with the objectives of Policy CP1 of the TMBCS by introducing a wider mix of house types into the locality. Subject to submission of materials, I am of the opinion that the proposal is in keeping with the surrounding locality.
- 6.13 Given that the proposed dwellings are bungalows, the proposal will not result in significant privacy issues. There will be no direct overlooking of surrounding existing dwellings 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.

Access and Parking Provision:

- 6.14 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 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 impact is that an impact must be “severe” in order for the Highways and Planning Authorities to justifiably resist development on such grounds. Development proposals should comply with parking standards which are set out in a Supplementary Planning Document. In this instance, the adopted parking standards set out in Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (IGN3) and are met.
- 6.15 Whilst I note the local concerns raised regarding the surrounding local road network, in light of no technical objections to the scheme from the Highway Authority on either a capacity or safety perspective, advice which is given in the context of paragraph 32 of the NPPF, I am of the view that there are no overriding highway grounds to justify the refusal of planning permission in this instance. The proposal accords with KCC VPS.
- 6.16 I note that Kent Fire and Rescue has raised no objection to the proposal.

Trees:

- 6.17 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. I am satisfied with the submitted Tree Survey.

Other Issues:

- 6.18 I note the concerns relating to a loss of view from the proposal. However, this is not a material consideration.
- 6.19 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.
- 6.20 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.
- 6.21 In light of the above considerations I am of the opinion that the proposal is acceptable and overcomes the reasons for refusal of TM/16/00211/FL.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:

This was approved in accordance with the following submitted details: Site Plan 200 A dated 10.10.2016, Location Plan 1034-100 dated 18.08.2016, Proposed Plans and Elevations 1034-201 Plot 1 dated 18.08.2016, Proposed Plans and Elevations 1034-202 Plot 2 dated 18.08.2016, Proposed Plans and Elevations 1034-203 Plot 3 dated 18.08.2016, Artist's Impression 1034-210 1 dated 18.08.2016, Artist's Impression 1034-211 2 dated 18.08.2016, Tree Protection Plan BR/TPP/1067-02 Appendix B dated 18.08.2016, Survey BR/TSP/1045-01 Tree Plan Appendix A dated 18.08.2016, Design and Access Statement dated 18.08.2016, Arboricultural Survey dated 18.08.2016,

**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. Within 1 month of the commencement of development, a scheme of landscaping and boundary treatment shall be submitted for approval by the Local Planning Authority. There shall be no occupation of any dwelling until the scheme is



approved. 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.

7. Within 1 month of the commencement of development, a scheme of surface water disposal for the development shall be submitted for approval by the Local Planning Authority. There shall be no occupation of any dwelling until the scheme is approved. 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

8. 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.

9. No dwelling shall be occupied until the refuse storage area shown on the approved plans has been provided. The refuse storage area shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

### **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](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.
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 07:30hours - 18:30 hours. On Saturday 08:00 - 13:00 hours, with no work on Sundays or Public or Bank holidays.

Contact: Glenda Egerton