

**Trottscliffe**  
Downs And Mereworth

**23 September 2016**

**TM/16/00990/FL**

Proposal:                   Erection of a two-storey detached house  
Location:                   Land Adjacent To Downsview 8 Green Lane Trottscliffe West  
                                  Malling Kent ME19 5DX  
Applicant:                 Mr Daniel Dryden  
Go to:                      [Recommendation](#)

---

## **1. Description**

- 1.1 Determination of this application was deferred from the APC2 meeting on 14 December 2016 to allow for verification of the accuracy of the submitted plan/documents, clarification on proposed drainage runs near to the protected trees and further consultation with Parish Council thereafter.
- 1.2 Following that meeting, the applicant decided to further amend the proposal with the aim of more closely following the dimensions and appearance of the existing two-storey houses in the surrounding development enclave. This has involved a reduction in the maximum ridge height, from 9m to 8.3m, and a reduction in the maximum depth, from 9m to 7.6m.
- 1.3 In terms of drawings and documents, the agent's covering letter confirms that the proposed elevations, floorplans, block plans and site plans are all on one sheet, drawing number 16.1240.01 Revision B (received by the Council on 1 February 2017). The block plan incorporated into this drawing includes the tree root protection zones. In response to the question as to whether drains run across the site, the agent reports that the applicant has investigated but can find no evidence of any drainage infrastructure under the site.

## **2. Consultees (since 14 December 2016)**

- 2.1 PC: No objections, but suggested that the proposed dwelling be "flipped" to improve how it sits in the local area. The PC noted that the applicant had made a significant reduction to the scale of the building and felt that the materials to be used and overall appearance are in keeping with neighbouring properties.
- 2.2 Private Reps: Neighbours were notified of the amended scheme 8 February 2017. There is no record of any responses to this reconsultation. However, following the APC2 meeting in December 2016 (but before the most recent amendment was submitted), two further representations were received, raising the following issues:
  - Strongly object: the previous design was somewhat large for the plot but the current proposal is totally unsuitable for this plot in a conservation area. Footprint too large, significantly taller than any other in the vicinity. Incredibly ugly. Presumably designed to achieve the largest dwelling at the lowest cost;

- Green Lane features a number of listed ancient properties along with some sympathetically designed more modern properties, including the group of eight at the end which won a design award. This property would tower over and dominate the approach to these eight. It would obscure the wonderful view over rolling fields towards the North Downs from the approach to the site and along the bridle path. This view would be lost for ever;
- Totally inappropriate and unsuitable: would not be acceptable even in a derelict inner city industrial estate, let alone in this beautiful village in the heart of a conservation area, next to a path used by so many walkers and horse riders;
- Design is totally unsympathetic and unimaginative: would create a huge carbuncle on the surrounding outstanding landscape;
- Likelihood of severe damage to property by construction vehicles, particularly to a fine Georgian or older brick and stone wall around Trottiscliffe House which flanks a major section of Green Lane;
- Increased vehicular traffic resulting from the development, where there are no footways, putting dog walkers, horse riders, children, the elderly and other pedestrians at even greater risk than now.

### **3. Determining Issues**

- 3.1 Key planning policies and guidance, the main issues and the assessment of the application are set out in the report to the December 2016 APC2 meeting. The discussion that follows therefore focuses on the changes to the application embodied in the amended drawing received on 1 February 2017 and on the further consultation responses received since the December 2016 meeting.

*Reduction in height and depth and the implications of these changes:*

- 3.2 As a result of the change in the depth of the new dwelling, the proposed footprint area would now be just over 92m<sup>2</sup>, with 64m<sup>2</sup> of floor area at first-floor and 37m<sup>2</sup> at second-floor, making a total of 193m<sup>2</sup>. This compares with the previous proposal which showed a footprint of 110m<sup>2</sup> and total floor space of just under 250m<sup>2</sup>. The original report noted that the total floor space would comply with the 250m<sup>2</sup> cited in an informative attached to the decision notice for outline planning permission reference TM/15/01758/OA.
- 3.3 The reduction in footprint and floor area now proposed is significant and is a positive amendment which supports the recommendation to grant planning permission.
- 3.4 As a result of the reduction in the depth of the proposed new dwelling, the depth of the rear garden would increase from approximately 8m to between 9.5m and 10m, with correspondingly greater depth available behind the single-storey element.

Although the private garden area and separation from plot boundaries were considered acceptable in the previous version of the scheme, this amendment and its consequent benefits would further support the application.

- 3.5 The applicant further reviewed the proposal in light of the PC's suggestion that the building be handed, but has concluded that this would not be practical because of the conflict with the mature sycamore growing on adjacent land. In practical terms, this would give rise to potential conflict with root protection zones of trees on the site or on adjoining land as the siting and footprint of the proposed house were specifically tailored to avoid the root zones. In any event, the design as proposed now is acceptable in all respects and whilst this may be a *preference* of the PC it would be unreasonable to seek further amendments to the scheme in light of that acceptability.
- 3.6 The applicant also makes reference to the fact that although the PC wishes to retain a vista through the site, it should be recognised that the site was previously enclosed by thick conifers and other vegetation and a view has only opened up because these were removed.

*Other considerations arising:*

- 3.7 The issue raised by the Parish Council as to possible discrepancies within the submitted drawings and documents has been satisfactorily resolved.
- 3.8 As set out at paragraph 1.3 of this report, the question as to whether the development might affect existing drainage runs across the site has been addressed by the applicant and should not prevent a decision now being made on the planning application.
- 3.9 For the avoidance of any doubt, the site lies within the Kent Downs Area of Outstanding Natural Beauty but, as explained in the previous report, it is not within the Metropolitan Green Belt and is not within any designated Conservation Area. The assessment of the impact on the AONB is set out within the previous report. In terms of the latest representations received, I can confirm that the nearest listed buildings are in fact located some 190m away, to the southwest, and the proposal would not affect them or their settings given the relationships involved.
- 3.10 The potential for property to be damaged by delivery and construction vehicles during the construction phase is not a material consideration and cannot be a justified reason to withhold planning permission on any development scheme. Should any such damage occur, it would be a private matter to be resolved by the parties involved and is not a matter for the planning system.
- 3.11 Once in occupation, the addition of one dwelling in this location would not create extra vehicular movements such that there would be any severe impact on highway safety (as set out in paragraph 32 of the NPPF).

Conclusion:

3.12 The amendments proposed by the applicant following the initial consideration by APC2, together with the clarification provided of the application drawings and documents, serve to support the original recommendation to grant planning permission subject to conditions. The other issues and points raised in representations received after the meeting in December do not materially affect that recommendation. I therefore recommend that planning permission be granted, subject to the imposition of conditions which are set out in the recommendation that follows:

**4. Recommendation**

4.1 **Grant planning permission** in accordance with the following submitted details: Letter FROM AGENT received 01.02.2017, Proposed Layout 16.1240.01B received 01.02.2017, subject to the following conditions:

**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. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
  - (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

4. The construction of the car parking spaces shall not be carried out except in accordance with the 'no dig' methods set out in BS 5837:2012 - Trees in relation to design, demolition and construction.

Reason: To avoid damage to the health and long-term growth of the protected Willow tree, in the interests of the visual amenities of the area.

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 or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To allow the local planning authority to retain control over the future development of the site, in order to avoid overdevelopment and an adverse impact on the Kent Downs Area of Outstanding Natural Beauty.

6. The development shall not be carried out except in accordance with a plan which shall, before construction of the new dwelling commences, be submitted to and approved in writing by the Local Planning Authority, to show the proposed finished floor, eaves and ridge levels of the new dwelling in relation to the existing levels of the site and the equivalent levels on the adjoining site to the north and the dwelling number 8 Green Lane.

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

### **Informatives**

1. To protect the aural environment of nearby dwellings, no noisy work or deliveries shall be carried out before 8am or after 6pm on Mondays to Fridays; before 8am or after 1pm on Saturdays, and no noisy work shall be carried out at any time on Sundays or Public and Bank Holidays.
2. To protect the amenities of residents of nearby dwellings, no materials shall be burnt on the site.
3. No works may be undertaken on a Public Right of Way without the express consent of the Highways Authority. This means that the Public Right of Way

must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width at any time and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

3. In case of doubt, the developer should contact the Highway Authority before commencing any works that may affect the Public Right of Way. Should any temporary closure(s) be required to ensure public safety then the application for such closure(s) will be considered on the basis that:
  - The applicant pays for the administration costs;
  - The duration of the closure is kept to a minimum; and
  - Alternative routes will be provided for the duration of the closure.
4. A minimum of six weeks' notice is required to process any application(s) for temporary closure(s) of a Public Right of Way.

Contact: Leslie Sayers