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**Report from 14 December 2016**

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**Trottiscliffe****23 September 2016****TM/16/00990/FL**

Downs And Mereworth

Proposal: Erect a new detached dwelling house  
Location: Land Adjacent To Downsview 8 Green Lane Trottiscliffe West  
Malling Kent ME19 5DX  
Applicant: Mr Daniel Dryden  
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**1. Description**

- 1.1 The application seeks planning permission for a four-bedroom detached house. The main element is a 2.5 storey rectangular module, 7.9m deep by 10.1m wide, with a gabled roof, incorporating a bedroom within the roofspace. A single-storey wing on the north side, 5.2m deep by 7.1m deep, projects 1.2m forward with a similar gabled roof. The height would be 4.7m to the eaves and 9m to the ridge for the main block and 2.2m to the eaves and 5.2m to the ridge for the side wing.
- 1.2 The new house would provide three bedrooms and a bathroom on the first-floor and the fourth bedroom in a second-floor above, with an en-suite bathroom and dressing room.
- 1.3 Principal windows would face east and west, although several windows are shown in the south-facing elevation including, within the gable, a pair of french doors with a juliet balcony. The two-storey element would incorporate rooflights, four in the rear slope and three in the front.
- 1.4 The drawings show materials as brick for ground-floor walls, with upper wall areas clad in tile-hanging and tile for the roofslopes.
- 1.5 The block plan shows the main two-storey element set in by 1m to 2m from the southern site boundary, 1m inside the northern side boundary and the frontage set back from the kerb edge by some 11m, behind a protected Willow tree (whose canopy would be reduced). To the rear of the new dwelling would be a private amenity area, some 8m deep for the greater part, but deeper behind the single-storey wing. A key feature within the rear garden would be a protected Scots Pine growing just inside the eastern site boundary. An existing detached single-storey residential outbuilding in the northeast corner of the plot is shown to be retained within the garden of the new dwelling.
- 1.6 Vehicular access is proposed from the existing hammerhead serving 8 Green Lane, leading to two open car parking spaces in front of the single-storey wing. Whilst these spaces are shown within the root protection zone of the protected Willow tree, the proposal is that they would be formed using 'no dig' techniques and be surfaced with sympathetic materials.

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- 1.7 The application includes a Specification for Archaeological Evaluation of the site which recommends the digging of two investigative trenches.
- 1.8 The original proposal submitted also showed a detached four-bedroom house with integral garaging, but arranged more conventionally over two-storeys, and with no rooms at second-floor. Before a decision was made, in light of concerns raised in representations, particularly by the Parish Council (see below for details), the applicant requested the opportunity to review the scheme and a revised proposal, received 23 September 2016, is the subject of the current report and recommendation
- 1.9 Members may recall that following a resolution of the 19 August 2015 Area 2 Committee, outline planning permission was granted for a four-bed detached dwelling on the site under reference TM/15/01758/OA. All detailed matters were reserved for future submission but an informative was added to the decision notice as follows:
- The applicant is advised that the details submitted at Reserved Matters stage are expected to show a scheme with total habitable floorspace no greater than 250sqm as shown on the indicative layout received on 31 July 2015 and an overall height no greater than that of 8 Downsvie, Green Lane.*
- 1.10 However, Members are advised that the current proposal is a full application in its own right. It is **not** an application pursuant to that outline permission.

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

- 2.1 Councillor Ann Kemp has called the application to Committee because of the bulk of the proposal and its impact on the MGB and the AONB, taking into account the outline permission previously granted.

## **3. The Site**

- 3.1 The site is a plot of level open land at the eastern end of Green Lane, a private access road, within the settlement confines of Trottiscliffe. The main part of the site was formed from the relatively large side garden of 8 Green Lane. This area measures approximately 27m deep by 18m wide. There is no footway in front of this area: a kerb marks the boundary between the roadway and the site.
- 3.2 The red line for the application also encloses the approximately 250m length of Green Lane leading eastwards from Taylors Lane, as well as part of the northward cul-de-sac spur which serves numbers 1 to 8 (consecutive) Green Lane. These eight medium-sized 1980s dwellings are arranged around a turning head, in the form of two terraces of three each and one semi-detached pair. All the houses are two-storeys high apart from one of the semi-detached units, which is single-storey.
- 3.3 To the east and south lies open countryside which is designated as MGB and forms part of the Kent Downs AONB. The group 1-8 Green Lane, and the

application site, also lie within the boundaries of the AONB but are not part of the Green Belt designation.

- 3.4 The application site has been cleared of most vegetation although two specimen trees, the Scots Pine and Willow have been retained. Both are protected by TPO.

#### 4. Relevant Planning History

TM/84/10956/OLD grant with conditions 23 May 1984

Eight replacement dwellings with access and parking.

TM/99/01282/FL Grant With Conditions 20 August 1999

conservatory

TM/05/00058/FL Grant With Conditions 28 February 2005

Two storey side extension

TM/15/01758/OA Approved 23 September 2015

Outline Application: Construction of a 4 bedroom single dwelling

#### 5. Consultees

- 5.1 Trottiscliffe Parish Council (6 October 2016): Object: Members have found it difficult to assess the application because of irregularities in the elevation drawings. In addition the description for the proposal suggests there will be an integral garage but the plans show that this area will be an office space and utility/boot room. We do not agree that the revised design has been sited outside all of the Root Protection Areas (RPA's). The plans do not give information on the impact the house will have on trees T2, T6 and T8 and we believe that some of the trees have already been removed so this should be seen as retrospective. We also object on the basis that we believe this is an overdevelopment of the site. We object to the bulk and believe that the visual impact will be detrimental to the local residential amenities in this Area of Natural Outstanding Beauty.

- 5.1.1 Original comments by Parish Council (12 May 2016): The information is a bit muddled and there are irregularities in the drawings. For instance, the footprint of the house is different on the Block Plan, Sections drawing and Tree Removal Plan. Unable to see what impact the house will have on trees T2, T6 and T8 but we believe that some of the trees have been removed so this should be seen as retrospective.

- 5.2 KCC (Public Rights of Way & Access Service): Public Right of Way MR185 footpath runs along the southern boundary of the application site. No objection

providing vehicles are never obstructing the Bridleway and any construction traffic gives way to Bridleway users.

5.2.1 MR189 runs along the eastern boundary of the application site and should not be affected by the application.

5.3 Private Reps: 22/0X/0S/0R + Art 15 Site Notice (expiry 24 May 2016) and Press Notice (expiry 27 May 2016). Record shows that individual letters were sent to 22 neighbouring addresses in April 2016, when the application was originally received, and also in September 2016, when the amended proposal was received. There is no record of any responses from the original notification. The amended scheme attracted two responses, both objecting.

5.4 The objections are summarised as follows:

- excessive height of the house in relation to the other houses in the group: it would be about 1m taller. To squash a property in the land is ludicrous, plus the driveway adjacent to the footpath;
- the visual impact of the increased height would be devastating and overwhelming, either walking or driving down Green Lane, or walking up the bridleway from the church. By contrast, the only building on the left viewed by a walker up Green Lane is a bungalow;
- the original plan for a lower, more attractive house was much better suited to the AONB;
- the siting, immediately adjacent to the bridle path entrance, would completely ruin the current wonderful views;
- as a village we are slowly losing the natural feel of the countryside. This process should not be condoned by allowing an eyesore brick building;
- the original plans for this group of houses, to replace the previous prefabs, were agreed on the basis that no more than five houses and three bungalows would be built because of the location;
- Green Lane is not suitable, just not wide enough or strong enough for large lorries accessing the site especially as it is a bridle path used every day all day by riders, walkers, ramblers and for everyday families out for an enjoyable walk in the countryside;
- the revised plans seem not to have been made more public.

## **6. Determining Issues**

6.1 Policies CP24 of the TMBCS and SQ1 of the MDEDPD require development to be well designed and through its scale, density, layout, siting, character and

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appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

- 6.2 The site lies within the built confines of the rural settlement of Trottiscliffe where TMBCS Policy CP13 indicates that development 'will be restricted to minor development appropriate to the scale and character of the settlement.'
- 6.3 Under TMBCS Policy CP6 (Separate Identity of Settlements) development will not be permitted within the countryside or on 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 or adjoining settlements.
- 6.4 TMBCS Policy CP7 indicates that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. NPPF Paragraph 115 requires local planning authorities to 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.
- 6.5 Although this application is a full application and not an application for approval of reserved details following an outline approval, the outline planning permission granted under reference 15/01758/OA is a key material consideration as it established the principle that a detached house could be built on the site.
- 6.6 It was accepted in the consideration of the outline application that a single detached dwelling in this location would, in principle, be capable of satisfying Policy CP13 as it would fall within the meaning of 'minor development appropriate to the scale and character of the settlement'. The plot is large enough to accommodate an infill dwelling which would make efficient use of land within the confines of the village. Furthermore, the development of the southern half of the garden serving number 8 Green Lane would still leave a large garden adequate to serve that extended dwelling.
- 6.7 The 2015 outline application reserved all details for future submission so no approval was sought or granted at that time for any particular footprint, height, design or other details. However, illustrative drawings were provided giving about 245sqm of habitable floorspace in total (gross external), although not all of this was full-height, and it included some 20sqm of garaging space. This was reflected in the informative described above.
- 6.8 The current proposal shows a footprint of some 110sqm, with a further 80sqm at first-floor and 55sqm at second-floor, making a total of just under 250sqm (all calculated as gross external space). Some of this will be limited in height and it would include no garage space. However, the proposed floorspace would fall just within the total of 250sqm advised to the applicant in the context of the 2015 application as the expected maximum permissible habitable floorspace.

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- 6.9 The informative also indicated that the overall height should be no greater than that of the adjacent house 8 Green Lane. The agent has commented specifically on this issue following a recent site survey. He advises that the plot for the current proposal is 1.4m below the level of the plot for number 8. He confirms that the slab to ridge dimension for the new dwelling would be some 750mm more than the equivalent dimension for number 8, but because of the difference in the plot levels the new house would appear lower. On this basis, it is concluded that the proposal is capable of satisfying both elements of the informative. It is recommended that a condition be imposed to reserve on this matter by requiring a plan to be submitted for approval to indicate key heights (finished floor, eaves and ridge) for the new dwelling in relation to the equivalent dimensions for the neighbouring property.
- 6.10 The existing dwellings in this small group at the eastern end of Green Lane are broadly similar in size and form, each on a footprint of around 6m to 8m wide by 6m to 8m deep, with rear gardens in the range of 10m or so and front gardens of 6m or 7m deep, although some have been extended and altered. The proposed dwelling would be similar in depth and height, and its unusual mixed format with single-storey and two-storey elements would respond to the pair opposite (numbers 1 and 2), albeit in a handed arrangement. With appropriately matching face materials, the new dwelling would adequately comply with Policy SQ1, whose principal aim is to ensure that development reflects local distinctiveness.
- 6.11 The main front wall of the new house would be set somewhat further back from the highway edge than others in the group, to avoid encroaching into the root protection zone of the protected Willow, and the rear garden would be a correspondingly shorter depth. However, this variation in the general building line and layout would not appear unduly incongruous, particularly as the Willow itself would continue as a strong distinctive feature in the street scene. The positioning of the house would also avoid the root protection zones of both the protected Scots Pine at the rear of the site and the Sycamore growing outside the site.
- 6.12 The visually open location of the application site relative to long views over the adjoining countryside as well as to more immediate views from the adjacent public paths, makes it important to ensure that any new dwelling sits comfortably on its site and does not appear cramped. In this case, I am of the opinion that the general form and style of the dwelling would be acceptable in the local context, and the overall appearance would respect the key features of the original dwellings in the group.
- 6.13 Although the development would introduce a built form to a plot which has for many years been undeveloped, the 2015 outline planning permission confirmed that a dwelling could be built on the site and I consider that the particular form and design now proposed would still respect the site and special surroundings.

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- 6.14 Overall, given the existing fairly intensive development of eight dwellings, the ‘in principle’ approval granted in 2015, and the detailed design of the new house seeking to reflect key features of the existing group, it is concluded that the proposed development would not harm the natural beauty and quiet enjoyment of the AONB at this point, and would not be contrary to Policy CP7 or to the guidance in para 115 of the NPPF.
- 6.15 It is further concluded that the proposal would meet the essential requirement of Policy CP1 for new development to ‘result in a high quality sustainable development’. It would also satisfy the requirement in Policy CP13 for new development within the confines of a rural settlement to be ‘minor development appropriate to the scale and character of the settlement.’ The development would meet the high standards sought by Policy CP24 (Achieving a High Quality Environment) and Policy SQ1.
- 6.16 Policy CP6 aims to prevent development within the countryside or at the edge of a settlement from eroding the separate identity of settlements or harming the setting or character of a settlement when viewed from the countryside or adjoining settlements. The new dwelling would tend to read as a part of the existing established group of dwellings and would not harm the character or setting of the settlement of Trottiscliffe.
- 6.17 The proposal includes two independently-accessible on-site car parking spaces. This level of provision is acceptable and adequate to serve a single-family dwelling of this size in this location. The description has been amended to remove the reference to an integral garage, which was proposed in the original submission but was deleted from the amended scheme.
- 6.18 Regarding the potential impact on trees to be retained, it is reasonable and appropriate to impose the standard conditions to secure their protection during the construction process. The formal protection now in place for the Willow and Scots Pine will continue to provide long-term control over these important specimens. Other trees on the plot were assessed for potential protection but no others were considered worthy.
- 6.19 Construction traffic: whilst the access to the site is constrained, it is unlikely that large numbers of construction vehicles would be involved as only one dwelling is to be constructed. The developer may be advised by way of an informative to observe reasonable hours of working and deliveries and, in any event, Environmental Protection legislation should not be duplicated.
- 6.20 Given the close proximity of the site to public rights of way, the developer will need to observe considerate methods of working to avoid obstruction, and the KCC PROW team’s guidance will be included as an informative.

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## 7. Recommendation

- 7.1 **Grant planning permission** in accordance with the following submitted details: Archaeological Assessment dated 18.05.2016, Tree Protection Plan DV/TPP/003 dated 18.05.2016, Tree Plan DV/TSP/001 dated 11.04.2016, Certificate B dated 12.04.2016, Proposed Plans and Elevations 16.1240.01 dated 23.09.2016, Letter RESPONSE dated 13.10.2016, 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 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.



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- 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.

- 7 The dwelling hereby approved shall be set out in accordance with the Tree Protection Plan DV/TPP/003

Reason: To protect the appearance and character of the site and 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 can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt, the developer should contact the Highway Authority before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
  - The duration of the closure is kept to a minimum
  - Alternative routes will be provided for the duration of the closure.
4. A minimum of six weeks' notice is required to process any applications for temporary closures. 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 now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Contact: Leslie Sayers

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**SUPPLEMENTARY REPORTS**

AREA 2 PLANNING COMMITTEE

DATED 14 DECEMBER 2016

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**Trottscliffe                      TM/16/00990/FL****Downs And Mereworth****Erect a new detached dwelling house at      Land Adjacent To Downsview 8  
Green Lane Trottscliffe West Malling for Mr Daniel Dryden**

Private Rep: Email received from owner of 5 Green Lane – objecting to the height of the proposed building. The height will make Downsview darker than it already is as the sun rises directly behind the proposed property. Therefore the lower the elevations, the better. They have no objection to a property being built on the land but it should be in keeping with the small group of 8 houses in Downsview and no higher than these.

DPHEH: The additional private representation does not raise material planning issues that have not already been discussed in the main report. Condition 7 needs to be deleted as it refers to a plan that shows the wrong layout of the proposed dwelling.

To clarify the history of the outline planning permission, TM/15/01758/OA, this was originally submitted as a 5 bedrooomed house/chalet with illustrative elevations showing a main ridge of 7.5m high. However, that was superseded by just illustrative floor plans and no elevations and no indication of the intended ridge height although it is clear from the floor plan that it was to be a similarly part chalet style.

**AMENDED RECOMMENDATION****Delete Condition 07.**