

**Plaxtol**  
Borough Green And  
Long Mill

**9 May 2017**

**TM/17/01167/FL**

Proposal: Demolition of existing outbuildings, erection of 3 bed detached dwelling with associated parking and landscaping  
Location: 3 St Hildas Plaxtol Sevenoaks Kent TN15 0QN  
Applicant: Pinnacle Homes South East Ltd  
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## 1. Description:

- 1.1 Under application TM/16/03394/FL planning permission was refused for a new 4 bedroom dwelling on this site with a new access from The Street on the following ground.

*The proposed development, by virtue of the scale, siting, bulk and general form would result in a development of the site that is out of keeping within the street scene and the prevailing character of the area to the detriment of the visual amenities of the locality. Furthermore, this development of the site would necessitate the creation of an access onto The Street that would harm the sunken lane section of this section of lane that would be out of character within this rural settlement of Plaxtol. For these reasons, the proposal is contrary to paragraphs 56, 57 and 58 of the National Planning Policy Framework, and policies CP13 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.*

- 1.2 Planning permission is now sought for the construction of a new 3 bedroom, two storey dwelling in the residential curtilage of 3 St Hildas – splitting the plot in half. The new dwelling would have a residential curtilage of 370 sq m. Access to the site would be from St Hildas, as opposed to from The Street as previously proposed. The proposed house will be 122.9 sq m of internal floor area: the dimensions of the house are similar to that previously refused with the proposed height to the ridge of the roof to the house to be 8m, the width of house to be 8.5m, and the maximum length to be 11.5m. On the ground floor a separate kitchen/dining space/living space is proposed, with the bedrooms on the first floor together with a family bathroom and an ensuite to the main bedroom. The number of bedrooms on the house has been reduced from 4 as previously refused, to 3 which is now proposed. A one metre side space is still proposed to the common boundary with 3 St Hildas and to the boundary with The Street. A 13m long by 10m wide rear garden is proposed.
- 1.3 Access to the dwelling is now from St Hildas with two parking spaces proposed to each of the proposed and existing dwellings. The application is accompanied by a design and access statement, a Planning Statement and a Construction Management Plan. In support of this application the following comments are made:

- Previous concerns regarding proposal have now been addressed: the access is now to be from the existing access drive with planting reinforced along the boundary with The Street; dwelling has reduced to a 3 bedroom dwelling and been made smaller; more vernacular roof profile now proposed with a cat slide eave profile to reduce bulk and mass; separation distance to The Street increased; and further vernacular detailing introduced.
- Proposed plot follows the linear relationship of existing properties at 1 and 3 and, whilst there is stagger to the front and rear, this is similar to the relationship between, 5a and 5 St Hildas;
- The position of buildings in relation to The Street do not follow a fixed building line and the presence of outbuildings and the position of dwellings themselves provide interest and variety to the character of the village;
- Whilst the proposal does introduce a two storey form closer to The Street, there would be a 2.5m gap and the deeply sloping cat slide roof profile and enhancement to the boundary landscaping, which would ensure that the building would not appear visually dominant within this area;
- The design amendments respond to the guidance contained in the Plaxtol Village Design Statement;
- The application is supported by a streetscape impression within the Design and Access statement to demonstrate how the dwelling will assimilate into the landscape.

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

- 2.1 Councillor Mike Taylor on the grounds of overdevelopment, visual impact, adverse impact on services, and poor access.

**3. The Site:**

- 3.1 The site is located in the village confines of the rural settlement of Plaxtol and in the AONB. The surrounding area is predominately residential with a mix of semi-detached estate housing and bungalows. A footpath runs along the front of the plot which provides access to The Street and a bus stop; this is to be retained within the proposal. The application site is approx. 702 sq m (0.07 hectares) in area and has approximately 36m frontage to The Street. A hedge and planting exists along The Street frontage and the site is raised up a slight bank. The site is located in part of the side/rear garden of an existing semi-detached dwelling; the site currently contains a garage and separate outbuilding.

**4. Planning History (relevant):**

TM/16/03394/FL

Refuse

6 January 2017

Subdivision of the existing plot, demolition of existing garage and outbuildings, with construction of a new 4 bedroom dwelling with new vehicle access onto The Street

**5. Consultees:**

5.1 Plaxtol PC: object on the following summarised grounds:-

- Although the bulk of the property and massing at first floor level have been reduced, the proposal still constitutes overdevelopment by virtue of both its size in relation to the size of the plot and in comparison with the neighbouring houses. It is noted that the house will not exceed the building line of its neighbour, No 3, at the front of the property, but it will exceed the line to the rear.
- The proposal would exacerbate the building density of St Hilda's, which is already an area of high density housing on The Street, which has predominantly linear development.
- The style of the dwelling is not in keeping with the style of the houses in St Hilda's. The tile hung and brick built properties used as examples of vernacular design are not in or nearby St Hilda's but at other locations in The Street. Additionally, the houses in St Hilda's are 2 and 3 bedroom semi-detached dwellings; there are no detached homes.
- The access road into St Hilda's is very narrow and already suffers from traffic problems relating both to residents' vehicles and delivery vehicles. This situation can only be exacerbated by additional vehicular traffic. The access from St Hilda's to the development site is by a narrow track only 2 metres wide and therefore unsuitable for construction, delivery or emergency vehicles. Use of this track will also impact on the adjacent footway.
- The narrowness of the road and the access track mean that construction itself at this location will present a significant safety hazard from construction vehicles for residents. Deliveries craned from The Street would be at a narrow section and one of the worst spots for blockages.
- St Hilda's is served by an old and problematic drainage system under the access road; increased traffic would exacerbate the existing damage to the drainage system.
- The development would result in significant loss of privacy for the neighbouring houses, No 1 and No 3. The intention to remove trees will particularly impact

on No 1. Residents also disagree that the trees designated for removal are not important to the local landscape character.

5.2 Private Reps (Article 15 Site Notice/0X/6R/0S): objections are raised on the following grounds:

- Disruption during the construction on the residents of St Hildas – very narrow and congested cul de sac making access for heavy vehicles problematic – turning circle not able to park in and will result in existing driveways being blocked;
- No mention of how existing road will be made good after construction works have completed;
- Design of house is different from others in St Hildas and will stand out, too big and detached – photos of similar designed houses in area submitted are not close to this site;
- Development will prevent existing pedestrian access along current path to the bus stop;
- No need for more housing in area – currently three houses up for sale in St Hildas;
- Access road to the site 6ft wide – of the view that materials will need to be left at the turning circle as lorries will not be able to access the site – total chaos will occur;
- Proposed house cannot be described as affordable as recommended in Plaxtol Parish Plan;
- Proposed house will overlook existing dwellings;
- NPPF states that new development should provide social, economic and environmental benefits – do not consider that this is the case here;
- Development will block road for emergency vehicles;
- Applicant has commented that only one lorry will be allowed to site at any one time but no mention of workers' cars etc;
- Will set a precedent for other developments to occur in the village;
- Already water pressure and electricity supply issues in the area – another property will exacerbate the problem.

5.3 KCC (Highways & Transportation): The development of one unit could not be considered to constitute a severe impact and it is not considered that a highway reason for refusal could successfully be sustained. Conditions suggested.

**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. In this respect the presumption in favour of development which sits at the heart 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.

6.3 Policy CP13 of the TMBCS allows for the redevelopment of a site within the confines of a rural settlement such as Plaxtol. Redevelopment will be permitted under this policy if there is some significant improvement to the appearance, character and functioning of the settlement; or justified by an exceptional local need for affordable housing.

6.4 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 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, property boundaries and water bodies.

6.5 The application site is located entirely 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. Policies CP1 and CP24 of the TMBCS, Policy SQ1 of the MDE DPD and paragraphs 17 and 56 to 66 in the NPPF require

development to be of a high standard of design and to reflect the character of the area.

- 6.6 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; KCC (Highways and Transportation) raises no objections on such matters. 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.
- 6.7 Plaxtol Parish Council has produced a Design Statement which includes the principles for new dwellings within the Parish. This statement is a consideration that needs to be taken into account in the determination of planning applications. Within this document it is stated that the building line, scale and massing of a proposed dwelling should take into consideration the level of the ground, together with its position within the site.
- 6.8 The proposed design takes into account the amenities of neighbouring dwellings to ensure no undue harm is caused and it satisfies relevant privacy and amenity standards. The comments made by the PC and local residents concerning the excessive bulk of the rear ward projection of the proposed dwelling on the existing dwelling at 3 St Hildas are noted but good separation exists and the development would not result in a notable loss of day light to number 3, as the 45 degree angle zone taken from 3 St Hildas has not been breached. Concerns have also been raised about overlooking into the rear garden and dwelling of 1 St Hildas, but the rear elevation of this dwelling is in excess of 30m from the proposed rear elevation of the development and set at an angle. Moreover, there are existing trees in the rear garden of the site, which are to be now to be retained, and these also help to screen the development. On this basis I do not consider that the loss of privacy or the impact of the development on neighbouring amenity are reasons to refuse the application.
- 6.9 The application site itself is within the defined village confines, but I do not consider that the development would result in the erosion of the character of the settlement within the countryside nor would be harmful to the setting of the settlement and the natural beauty of the AONB. It is therefore considered that it would comply with TMBCS Policy CP7 and the advice contained in para. 115 of the NPPF.
- 6.10 The size, bulk and positioning of the proposed dwelling has been cited as a concern by the PC and local residents. Improved separation is now provided to

either side of the proposed dwelling and there is adequate amenity space proposed with a sizeable rear garden. The amended design to the dwelling with a cat slide roof, increased separation to The Street frontage and enhanced landscaping would all assist in reducing the impact of the dwelling on the character of the street scene. I am now of the view that the proposed mass of the built form proposed reflects the general scale and character of the dwellings in this location and is thus suitable within the rural settlement of Plaxtol.

- 6.11 The amended proposed means of access to the development site raises no technical objections to the scheme from the Highway Authority on either a capacity or safety perspective. Their advice is given, of course, in the context of paragraph 32 of the NPPF and I am therefore of the view that there are no overriding highway grounds to justify the refusal of planning permission in this instance. In my view the development is in character within this area and now meets the policy objectives of TMBCS Policies CP13 and CP24.
- 6.12 Whilst landscaping details are included as part of this application, there are some trees within the site that are indicated to be retained and some that would be removed. Local concerns have been raised about the loss of trees on the site and, during the course of the application, the agents have asked a tree surgeon to inspect the trees on site. Following this advice amended plans have been submitted that show the retention of trees to the rear of number 3. Additional landscape planting, together with appropriately considered boundary treatments (including either brick walls and/or timber fences) would undoubtedly be beneficial should the scheme be acceptable.
- 6.13 Concerns have been raised by the PC and local residents about the use of St Hildas for construction operations and HGV movements to and from the site on surrounding residential properties, in particular with regards to road congestion. KCC Highways has been consulted and they advise that the development of one unit could not be considered to constitute a severe impact and that a highway reason for refusal could not be successfully sustained. Thus, whilst I recognise the concerns raised in this instance, they could not be a land use reason to refuse planning permission for a new building. I am however suggesting a condition that the submitted Construction Management Plan is complied with during the construction phase to try to keep disruption to the minimum.
- 6.14 With regard to other issues raised by the PC and local residents, a drainage survey has been undertaken recently on behalf of the applicants and it was found that problem is occurring outside the application site. It is understood that the drainage company have advised the residents concerned to contact the water company directly. The agents have commented that this survey can be made available at Committee if required.
- 6.15 In light of the above considerations, I consider that the previous grounds of refusal have been overcome. This amended scheme is now in keeping with the overall

character of the rural settlement of Plaxtol in terms of the size and position of the dwelling within the site and the amended access allows for the character of this section of sunken lane to be retained.

## **7. Recommendation: Approve**

This was approved in accordance with the following submitted details: Existing Plans and Elevations 5784 PD03 dated 27.04.2017, Proposed Plans and Elevations 5784 PD11 dated 27.04.2017, Design and Access Statement dated 27.04.2017, Location Plan 5784-PD-10 REV C dated 15.06.2017, Other CONSTRUCTION MANAGEMENT dated 09.05.2017, Planning Statement dated 09.05.2017,

### **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. 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 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.

4. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.



(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

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

Reason: To prevent an overdevelopment of this site

6. 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.

7. The Construction Management Plan shall be carried out in strict accordance with the details submitted and approved as part of this application.

Reason: In the interests of local amenity and highway safety.

## **Informatives**

1. Working hours during the demolition and construction phases, (including deliveries) should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
2. The applicant is advised that the disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is thus recommend that bonfires not be had at the site. The applicant is also reminded that it is in their best interest to control emissions and dust from the demolition and construction phase through following best practice guidance. This is to minimise air pollution and dust creation which is on the list of statutory nuisances contained within the

Environmental Protection Act 1990.

3. 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.
4. 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.

Contact: Rebecca Jarman