

**Platt**  
Borough Green And  
Long Mill

**11 May 2017**

**TM/17/01289/FL**

Proposal: Construction of a detached 2 storey 4 bedroomed dwelling with ancillary parking and access  
Location: Dewpond Platt Common Platt Sevenoaks Kent TN15 8JX  
Applicant: Mr Joseph Ellis  
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## **1. Description:**

- 1.1 The application proposes the erection of a 4-bedroomed detached dwelling within the rear garden of Dewpond with its principal front elevation facing south.
- 1.2 The proposed dwelling is to measure 15.15m wide x 8.8m deep, with eaves 3.7m high and ridge 7.2m high. It is to be set back about 6m from the west side boundary, 7m from the east side boundary, 17m from the rear (north) boundary and 10m from the new dividing boundary with the host dwelling (south). A north-south cross-section of the site shows that the dwelling will be set between 0.25-1.0m below the former existing ground level.
- 1.3 The dwelling is primarily of a chalet bungalow design with a two storey front half hipped gable element projecting about 850mm forward of the main front wall alignment. Three flat roofed dormers are proposed within the front elevation and 4 similar dormers within the rear elevation. A chimney stack is proposed to the west side elevation of the dwelling.
- 1.4 The external materials have not been specified but the application form indicates that these would consist of brickwork, tile hanging and roof tiles although the elevations also appear to indicate render panels at ground floor level.
- 1.5 The existing access drive to Dewpond is to be used to access a new access drive situated adjacent to the eastern side boundary of the site, with an open parking and turning area provided in front and to the east side of the proposed dwelling.
- 1.6 A Planning Statement, Design and Access Statement and Site Survey (dated 22 February 2016) have been submitted with the application.

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

- 2.1 At the request of Councillor Taylor in order to consider whether this is overdevelopment and to consider implications of the previous appeal decision.

### 3. The Site:

- 3.1 The site is approximately 75m deep and 30m wide and is located within the southwestern part of Platt Common, about 200m along the private access road that extends south from the A25 and then west. The site is large and regular in shape and is occupied by a single storey low-level colt-style bungalow set at a level lower than the private access road. A garage/outbuilding is situated to the east of the dwelling. A gravelled parking area is provided within the front of the site. The land slopes markedly down from south to north (6m variance). Thick established landscaping exists along the west side boundary. Less substantial vegetation also exists along the north and west boundaries of the site.
- 3.2 The site lies within the settlement confines of Platt and a Water Catchment Area. Platt Common area comprises primarily detached dwellings on generous sized plots that vary in shape.
- 3.3 The two storey dwelling of Halcyon House, which fronts Maidstone Road, lies to the rear of the site. The rear boundaries of the properties of Hinton, Fir Cottage and Crofton adjoin the east side boundary of the application site. The dwelling of Straun lies to the west.
- 3.4 Platt Common is an unadopted road that provides access to some 30 or so dwellings from the A25 Maidstone Road. The road was previously un-made and in a relatively poor condition but has been surfaced with bitumen. The road is also used as a pedestrian route by parents and children going to and from Platt School, which lies adjacent to the Platt Common/A25 junction.

### 4. Planning History (relevant):

TM/71/10989/OLD grant with conditions 27 May 1971

Outline Application for detached dwelling and garage for D.A. Benbow, Esq.

TM/73/10758/OLD grant with conditions 12 January 1973

Two bedroom 'colt' bungalow, new access.

TM/92/00550/OA Refuse 13 August 1992

Outline Application for the erection of one detached dwelling and garaging

TM/15/00353/OA Refuse 13 April 2015

Appeal Allowed 3 February 2016

Outline Application: Construction of a detached dwelling with ancillary parking and access, with matters of appearance and landscaping to be reserved

TM/16/00893/FL      Application Withdrawn      26 May 2016

Construction of a detached dwelling at the rear of Dewpond with associated access and parking

**5. Consultees:**

5.1 PC: Objection to the application for the following reasons:

- The new dwelling is out of keeping with the dwellings in Platt Common
- The development does not reflect the spacious character of the properties in Platt Common

5.2 KCC (H+T): The application proposes the development of an additional home using an existing access and with adequate parking and turning facilities provided. I can confirm that I do not wish to raise objection.

5.3 EA: We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

5.4 Private Reps: 5/0X/5R/0S. The objections raised have been summarised below:

- The proposal would be overdevelopment
- Increased vehicle movements creating traffic problems in the lane and safety concerns at the junction between Platt Common and the A25
- Loss of privacy from overlooking
- Impact on outlook and visual amenity
- The dwelling would be overbearing to neighbouring properties
- Noise impact from the driveway adjacent to neighbouring properties
- The development would set a precedent and impact on property values
- Possible impact on wildlife on the site
- Potential damage to the lane from construction vehicles
- Drainage concern

**6. Determining Issues:**

6.1 An outline application (TM/15/00353/OA) for a new dwelling (3 bedroomed chalet bungalow) in the rear garden of Dewpond (with matters of appearance and landscaping reserved) was refused by the Local Planning Authority in April 2015 under delegated powers. The application was refused due to the siting of the dwelling impacting on the spaciousness of the locality and therefore harming the character of the area and adversely impacting on the amenities of neighbouring properties. It was also considered that the cumulative impact of the development on traffic along Platt Common would be harmful to safety within Platt Common.

- 6.2 The application was subsequently allowed at Appeal in February 2016, which forms an important material consideration for the assessment of this revised scheme.
- 6.3 The main issues are whether the development would affect the form, pattern and character of the area, visual amenity of the locality, highway safety or neighbouring residential amenity.

*Character, Visual Amenity and Setting of Listed Building:*

- 6.4 The settlement of Platt is defined as a rural settlement where new development will be restricted to minor development appropriate to the scale and character of the settlement, as stated in Policy CP13 of the TMBCS.
- 6.5 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should 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.
- 6.6 In respect to the effect on the form, pattern and spatial character of the area, the Planning Inspector was clear in concluding that the previous proposal for a new dwelling in the rear garden of Dewpond would not result in any significant harm to the spaciousness and character of the area. The Inspector advised that “the siting and alignment of individual houses does not follow any particular prevailing pattern ... [and the] site is larger than several others around the site and both the plots resulting from the proposed subdivision would still be of a size generally in keeping with those existing in the vicinity of the site.” The density of the development is 9 dwellings per hectare, which is comparable with the rest of Platt Common.
- 6.7 The revised proposal is very similar to the scheme approved at Appeal, providing a dwelling of a slightly larger footprint (4m wider/similar depth) in a similar position on the site and the two plots to be created would be similar in their size. As a result, I am satisfied that the revised scheme in terms of its footprint, layout and plot size would not harm the pattern or spatial character of development in the area based upon the Inspector’s conclusions on these issues.
- 6.8 In relation to the previous scheme, the Planning Inspector also advised that “in terms of scale, there are a mixture of dwelling sizes in the vicinity of the site including two storey properties and bungalows ... [and that] the scale of the proposed house would allow it to sit comfortably upon its plot and would not be larger or higher than several other existing developments in the vicinity of the site.” Subject to its appearance being satisfactory, the Inspector concluded that the proposal “would not appear as visually incongruous or out of keeping with the scale of existing development in the surrounding area.”

- 6.9 The revised dwelling is larger in scale compared to the dwelling approved by the Planning Inspectorate, proposing an increase in height of about 1.1m (6.1m to 7.2m) and an increase in width of about 3.9m (11.27m to 15.15m). It also introduces a 2 storey front gable feature. In light of the mix of dwelling sizes in the area though, I do not consider that the revised dwelling would be of an overall size and scale that would make it out of keeping with the surrounding dwellings sufficient to warrant refusal. The dwelling will also be cut into the slope, being set between 0.25-1.0m below the previous ground level, which will reduce its overall visible scale.
- 6.10 The dwelling has been designed with a traditional dual pitched roof with half hip ends and modest eaves. A more prominent half hipped gable element has been designed in to the front elevation which would provide an appropriate level of visual subservience to the dwelling. The front and rear dormers are of a simple flat roofed design but are of a size that is proportionate to the roof and as such they would adequately complement the building's form and character. Overall, I am of the view that the dwelling design would not be at odds with the design and appearance of other dwellings in the area and therefore is acceptable.
- 6.11 A landscaping schedule and boundary treatments have been shown on the submitted Proposed Site Plan. The existing trees around the perimeter boundaries of the site are to be retained and a 1m high timber sleeper retaining wall is proposed to divide the new plot from that of the host dwelling. A new 2m high closeboarded fence is proposed across the rear boundary. The existing lap and closeboarded fencing to the side boundaries are to be retained. The type of hard surfacing to the driveway and parking area has not been specified but this can be required by condition.
- 6.12 Accordingly, I am satisfied that the proposed development would not significantly harm the form, pattern or character of the area or the visual amenity of the locality. The proposal therefore accords with Policies CP1, CP13 and CP24 of the TMBCS and SQ1 of the MDE DPD, as well as Section 7 (Requiring good design) of the NPPF.

*Parking/Highway Safety:*

- 6.13 The scheme provides access down the east side of the host dwelling to an open hard surfaced parking and turning area that would provide parking for more than 2 cars independently, which would accord with the Council's adopted car parking standards (Kent Design Guide: Interim Guidance Note 3: Residential Parking)
- 6.14 The local Highway Authority (KCC Highways and Transportation) has reviewed the scheme and has advised that they raise no objection to the development on highway grounds.
- 6.15 Concern has been raised about the cumulative effect that additional traffic from a new dwelling within Platt Common would have on pedestrian safety within Platt

Common (in particular school children walking to and from school) and the effect of such additional traffic on highway safety at the Platt Common/A25 junction.

- 6.16 In the appeal decision for the previous scheme relating to the application site, the Inspector (after taking into account the previous relevant appeal decisions on this issue) concluded that the proposal would not be detrimental to highway safety. The Inspector advised that the very limited increase in expected traffic movements arising from the proposal for one new dwelling is unlikely to result in any significant harm to safety of pedestrians or vehicles using the road. It was also concluded that the proposal would not lead to any significant highway safety risk in respect to the junction given the new sightline standards, which accord with the guidance in Manual for Streets, along with the past reduction in the speed limit on the A25 from 40mph to 30mph.
- 6.17 Notwithstanding the larger size and extra bedroom, I do not consider that the current revised proposal would materially alter the view expressed by the Inspector, as discussed above, and therefore I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be 'severe' which is the test in the NPPF. The proposal therefore accords with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

Neighbouring Amenity:

- 6.18 In respect to the impact of the proposed dwelling on neighbouring privacy the Planning Inspector, after taking into account the sloping site, significant distances from the front and rear elevations to neighbouring properties and the "modest scale of the proposal, meaning that windows would not be located at a particularly high level", concluded that it would not result in any significant loss of privacy for the occupiers of neighbouring properties.
- 6.19 It is noted that the dwelling has been re-orientated slightly to a more linear position on the site so the rear elevation faces the rear boundary. The rear elevation of the dwelling is now 1m closer to the rear boundary and provides more dormer windows overall and the dormer windows would sit 0.5m higher up within this elevation compared with the previously approved dwelling. However, these windows would still be set back 17m from the rear boundary, which is considered to be a substantial distance. There are no windows proposed within the side flank elevations. Established mature trees and shrubs screen the dwelling from Straun to the west.
- 6.20 The Inspector also considered that the proposed driveway along the rear gardens of the adjacent properties would not result in any significant loss of privacy to neighbours and advised that there was the opportunity for additional boundary screening to be provided.

- 6.21 Accordingly, the proposal is not considered to result in a harmful loss of privacy to neighbouring properties, despite its greater size and extra bedroom.
- 6.22 In terms of impact on outlook and visual amenity of neighbours, it is noted that the Inspector, in relation to the previous scheme, stated that “given the separation distances to neighbouring properties and modest scale of the proposal no unacceptably overbearing impacts would result.”
- 6.23 The dwelling will be 1.1m higher than that for the previous scheme and will be set slightly closer to the adjoining boundaries. However, the set back from the rear and side boundaries and the separation distances to the neighbouring dwellings and their private amenities spaces are still considered to be substantial and the dwelling is to be partially set into the slope of the land. Additional tree plantings along the north and east boundaries can be required by condition to further screen the dwelling from adjoining properties. I am therefore satisfied that the proposed development would not harm outlook or visual amenity of neighbouring properties.

Other Matters:

- 6.24 The site is within a Water Catchment Area. The Inspector imposed a condition on the appeal permission for the previous scheme requiring details of foul and surface water disposal to be submitted for approval due to the uncertainty expressed within the application details for the means of disposal. The applicant has now advised that foul water disposal is to be to the mains sewer and will be connected to the existing system of Dewpond. This has been shown on the Proposed Site Plan. It is noted that the EA does not consider that the development is within their remit and therefore they have not commented on the scheme. It has been specified that surface water is to be directed to soakaways and, as there are no concerns with contamination on the site, I do not consider it necessary to impose a condition relating to surface water disposal as this will be adequately dealt with under Building Regulations.
- 6.25 The issue of wildlife on the site has been raised by several representors; however the Inspector in respect to the previous scheme advised that “there is no firm evidence that the site is of any particular wildlife value or that the proposal would result in any significant harm in this regard”. I do not consider that there are any circumstances surrounding the site or this current proposal that would alter this view and no evidence has been submitted to indicate that the passage of time since February 2016 has altered that conclusion.

Other Matters:

- 6.26 The concerns regarding the impact of construction works associated with any such development and the effect of such development on property values are not material considerations that would affect the planning merits of the scheme.

Conclusion:

6.27 In light of the above, the proposed development is considered to satisfy the relevant provisions of the Development Plan and the NPPF, and therefore it is recommended that the application be approved.

**7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning Statement received 10.05.2017, Design and Access Statement received 10.05.2017, Site Plan 3927-PD-600 received 10.05.2017, Plan 3927-PD-601 Levels received 10.05.2017, Proposed Plans and Elevations 3927-PD-602 received 10.05.2017, Topographical Survey received 07.06.2017, Other Amendment to Application Form received 12.09.2017, 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 above ground level 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 area or the visual amenity of the locality.

3 No development shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the dwelling and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

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

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

- 5 The dwelling shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and boundary treatment that includes additional tree plantings along the northwest (rear) and northeast (side) boundaries of the site. 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. The boundary treatments shall be provided prior to occupation of the new dwelling.

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.

- 6 The dwelling shall not be 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.

- 7 Foul water shall be disposed of directly to the mains sewer.

Reason: To accord with the terms of the application.

- 8 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.

### **Informatives**

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
- 3 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; on Saturday 08:00 to 13:00 hours; with no work on Sundays or Public or Bank Holidays.
- 4 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 5 The Kent Fire & Rescue Service wishes to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 6 In implementing the above consent, regard should be had to the requirements of the Bye-Laws of the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 7 The proposed development is within a road which does not have formal street numbering and, if built, the new property will require a new name, which is required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or 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 property is ready for occupation.

