

Trottscliffe
Downs And Mereworth

8 December 2017

TM/17/03403/FL

Proposal: Addition to driveway to create a drive on drive off
Location: Prunelle Church Lane Trottscliffe West Malling Kent ME19
5EB
Applicant: Mr Kamran Huseyin
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1. Description:

- 1.1 Planning permission is sought for the formation of an in-out driveway within the front curtilage of the above property. The driveway is proposed to be surfaced in tarmac.
- 1.2 Retrospective planning permission was granted under delegated powers (our reference TM/17/00218/FL) for the retention of a tarmac driveway to the eastern side of the front curtilage. This is to be retained to form one part of the proposed in-out driveway.
- 1.3 An existing brick paved driveway which currently leads to the garage building and which has not yet been removed in accordance with Condition 3 of the previous planning permission is now proposed to be resurfaced in tarmac. An additional area of hard surfacing would then be provided along the front of the dwelling itself effectively linking the two driveways to create the in-out formation.
- 1.4 A central area would then be retained for soft landscaping purposes.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Kemp in order for consideration to be given to the visual impact of the proposed development.

3. The Site:

- 3.1 The application site is a rectangular plot, with dimensions of about 57m deep by 18m wide, on the north side of Church Lane, opposite the junction with School Lane, within the rural settlement of Trottscliffe and within the Kent Downs Area of Outstanding Natural Beauty.
- 3.2 The site accommodates one principal building, a bungalow dwelling which is set back by some 17m from the front boundary. A detached garage stands to the west side of the house and is accessed by a driveway up from the highway to the south, which is about 600mm to 750mm lower than the floor level of the bungalow and garage. A new area of hardstanding also lies on the eastern side of the frontage, with access onto Church Lane. The remainder of the frontage is mainly laid to grass.

- 3.3 The front boundary of the site is not enclosed by any conventional wall or fence but a rough line of stones marks the apparent boundary with the highway. There is no footway outside this site or adjacent sites, but there is a length of footway opposite, on the south side of this part of Church Lane.
- 3.4 To both east and west on the north side of Church Lane are further residential plots accommodating detached dwellings, mainly bungalows. On the south side dwellings are typically two-storeys high, on smaller plots. Opposite is the single-storey Trottiscliffe CE Primary School, with the Village Hall to the east of it. The boundary of Trottiscliffe Conservation Area lies to the immediate southeast of the application site.

4. Planning History (relevant):

TM/17/00218/FL Approved 24 March 2017

Retrospective application for retention of driveway and vehicular access onto Church Lane

5. Consultees:

- 5.1 PC: Object to proposal. Members feel that the proposal represents an over-development of the site. A retrospective application (TM/17/00218/FL) for the retention of a driveway and access was granted on the condition that the existing driveway, the subject of this proposal, was removed and landscaped with soft planting. The applicant is therefore in breach of a condition of the existing permission granted. A condition was also set with respect to drainage and we have noticed that the road is regularly flooding in this area. We question whether the proposal will allow sufficient vehicle and pedestrian visibility particularly given that there is a school opposite and that the site is located at the junction of 3 roads. We feel the proposal is also harmful to the visual amenity of the site, particularly given its proximity to the conservation area.

- 5.2 Neighbours: 5 + site + press notice/0X/0R/0S

6. Determining Issues:

Principle of development:

- 6.1 The site lies within the settlement confines of Trottiscliffe and as such the development proposed is acceptable in principle, subject to detailed matters concerning the visual impact, highway safety and drainage being satisfactorily addressed.

Visual amenity:

- 6.2 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and the use of appropriate materials, and must

through its scale, layout, siting, character and appearance be designed to respect the site and its surroundings. Policy SQ1 of the MDE DPD requires proposals to protect, conserve and enhance the character and local distinctiveness of the area.

- 6.3 Policy CP7 of the TMBCS advises 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 sets out 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. The proposal is for the resurfacing and extension of a hard standing and whilst readily visible within the wider area, is minor in the scale of development. In seeking to retain an area of soft landscaping between the two accesses and given time to weather I do not consider the proposal would harm the quiet enjoyment or scenic beauty of the wider AONB.
- 6.4 The current proposal does seek to increase the amount of hardstanding within the front curtilage of the dwelling, and this will be plainly visible. However, a central area is to be retained and this could be planted in a way that suitably softens the appearance of the frontage which would be appropriate in visual terms.
- 6.5 In this respect, I am mindful that permitted development rights exist for the construction of areas of hardstanding, subject to certain conditions relating to materials and drainage being adhered to. As such, a different driveway construction, without any retained landscaping could be constructed without the need for any planning permission from the Council.
- 6.6 I acknowledge that the 2017 planning permission required the pre-existing driveway leading to the garage to be removed within a certain time period on visual amenity grounds and now this is proposed to be retained/resurfaced. Notwithstanding that condition, it is necessary to now assess the scheme as proposed in a consolidated manner as to whether it is acceptable in visual terms. I consider that subject to suitable landscape planting, there would be no harmful visual impact arising.

Highway safety:

- 6.7 Policy SQ8 of the MDE DPD seeks to ensure that development does not adversely affect highway safety and paragraph 32 of the NPPF sets out that planning permission for development should not be refused unless a severe impact can be demonstrated.
- 6.8 The site is located directly adjacent to the junction of Church Lane and School Lane, and is close to the local primary school and to other sites which are served by vehicle accesses. The grant of planning permission for the tarmac access drive in situ has established the acceptability of providing a vehicle access closer to the junction of the school. Subject to the provision of suitable visibility splays, this was not considered to give rise to a severely detrimental impact on highway safety.

- 6.9 There is no footway on the north side of Church Lane, with a small stretch of footpath to the south side outside the school. Pedestrians in the vicinity would therefore be less likely to be walking directly outside the site, and there is a low probability that vehicles leaving the application site would come into conflict with passers-by.
- 6.10 As I have set out above, the secondary access leading to the garage building, now shown to be retained and resurfaced, was only required to be removed by virtue of condition 3 of the 2017 planning permission for visual amenity reasons, not on highway safety grounds. As such, it would not be justified to resist the scheme now put forward on grounds of highway safety impact.
- 6.11 Whilst the proposal seeks to provide multiple accesses in close proximity to each other, these will be within a single residential curtilage, diminishing the likelihood of conflicting movements occurring. Furthermore, the formation of an in-out driveway will increase the ability for vehicles to enter and leave the site in forward gear, which should be welcomed in highway safety terms.

Drainage considerations:

- 6.12 The drive is to be constructed of a non-permeable material. No arrangements are currently in place to direct run-off into the site nor have any been proposed as part of this application. Hard surfacing without sufficient drainage is contrary to the principles of sustainable drainage and could result in unacceptable levels of surface water draining onto other nearby sites, detrimental to satisfactory living conditions, or into the public surface water drainage network, which would also be undesirable. The provision of suitable drainage will therefore need to be secured by way of condition.

Conclusions:

- 6.13 In light of the above and taking into account the substantive permitted development rights available, I consider that the proposal is acceptable in all respects, subject to the imposition of appropriate planning conditions. This is reflected in the recommendation that follows:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan dated 08.12.2017, Existing Site Plan dated 08.12.2017, Site Plan dated 08.12.2017, Photograph dated 08.12.2017, Aerial Photo dated 08.12.2017, subject to the following conditions:

Conditions:

1. Within one month of the date of this planning permission, details shall be submitted in writing to the Local Planning Authority of the provisions to be made to direct run-off water from the surface from all parts of the drive to a permeable or porous area or surface within the curtilage of the dwellinghouse. The approved provisions shall be implemented within two months of the date of approval of the details and shall thereafter be maintained at all times,

Reason: In the interests of sustainable drainage, and to prevent the run-off of surface water onto adjacent land.

2. The access to the site shall, at the junction with the highway, be provided at all times on each side with that part of a 2 metre by 2 metre pedestrian visibility splay which can be provided on land within the control of the applicant/developer, within which no obstruction to visibility higher than 600 mm shall be permitted.

Reason: In the interests of highway safety.

3. Within three months of the date of this permission a scheme of landscaping and boundary treatment should be submitted to the Local Planning Authority for approval. 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.

Contact: Paul Batchelor