

Shipbourne
Borough Green And Long Mill

28 September 2017

(A) TM/17/02705/FL
(B) TM/18/01172/LB

Proposal: (A) Demolition of existing low brick side boundary wall and provision of a new hard surfaced parking area in front garden with new picket fencing. Existing parking area to be returned to domestic garden and front boundary picket fence to be reinstated
(B) Listed Building Application: Demolition of existing low brick side boundary wall and provision of new picket fencing to facilitate new parking area in front garden

Location: Butchers Cottage Stumble Hill Shipbourne Tonbridge Kent
TN11 9PE

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1. Description

- 1.1 Planning permission is sought for the formation of a new parking area, in pea shingle, to dimensions of 6m by 6m, on the south side of the frontage, with access onto the drive on that side. This would replace an existing parking area of 5m wide by 10m deep on the north side. A new access would be made in the southern boundary.
- 1.2 The existing boundary treatment, consisting of a low brick wall topped by picket fencing, would be demolished and replaced by picket fencing alone. The existing open section would be fenced in this way and the new parking area would be similarly enclosed on the garden side.
- 1.3 The applicant has explained that these alterations to the parking and access arrangements are proposed in case of a change in the current informal arrangement whereby occupiers of Butchers Cottage are allowed vehicular access over the private drive of the adjacent property Shipbourne House.
- 1.4 Although the property has a recently constructed garage to the rear, the applicant advises that there is a need to replace the existing open parking area, to continue to provide additional on-site parking space as the household runs several cars and there is limited off-site space available in the vicinity.
- 1.5 The property is a dwellinghouse, which would normally benefit from permitted development rights for a range of minor works, but its listed status means that the proposed changes to the wall/fence need a planning application.
- 1.6 Listed building consent is also required for the works to the wall and fence and the second application seeks this consent.

- 1.7 When the two applications were originally submitted, the proposal was to retain and alter the existing brick wall topped with picket fencing but it has been amended to provide for picket fencing alone as the boundary treatment.

2. Reason for reporting to Committee

- 2.1 At the request of Councillor Taylor in order to discuss the impact on the Green Belt, Conservation Area, AONB and listed buildings.

3. The Site

- 3.1 Butchers Cottage is a detached dwelling, dating from the 17th Century and listed within Grade II of the Statutory List of Buildings of Architectural or Historic Merit. It stands on a plot off the west side of Stumble Hill, just to the south of the junction with Upper Green Road. The plot adjoins a private access drive which serves several dwellings to the south and west. Fronting the plot is another private access drive which serves Shipbourne House to the north and runs to the rear (west) of a grassed area. Vehicular access to the property is currently via this latter drive, leading to a parking area on the north side of the plot frontage which is accessed through an opening in the boundary wall/fence.

- 3.2 The boundary treatment comprises several courses of red bricks with a paling fence above, to a height of just over 1m.

- 3.3 The site lies within the Countryside, the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty, as well as the Shipbourne Conservation Area. Several nearby properties are also listed. The large open area of Shipbourne Common lies opposite, off the east side of Stumble Hill.

- 3.4 The Historic England List Entry Summary includes the following details:

C17 cottage. East return front to road. South front. Red and grey brick ground floor, tile-hung first floor. Plain tiled roof, half-hipped to left, hipped to right, with ridge stack to left. Two storeys, 3 bays, casements. Lower 2-storey addition to left. One-storey lean-to addition to right producing catslide on east side. Porch to right of east extension and 2-storey hipped-roofed extension to north behind. Included as a good example of modest domestic building of traditional regional type.

4. Relevant Planning History

TM/68/10673/OLD Grant with conditions 2 October 1968

Alterations and additions, for C. W. P. Chick Esq.

TM/04/02361/LB Grant With Conditions 27 August 2004

Listed Building Application: Various internal alterations

TM/04/03309/LB Grant 17 November 2004

Listed Building Application: replacement of partial wall with brick pier

TM/04/03952/LB Grant With Conditions 20 January 2005

Listed Building Application: New Rooflight to rear and remove window to scullery room; alterations to garage for use as utility room; reinforcing of floor and new stud wall to bathroom and en-suite and associated works

TM/17/02885/TNCA No Objection 14 November 2017

T1 - Twin stem Eucalyptus to fell to ground level

- 4.1 The following relates to a combined plot comprising the sites of Shipbourne House and Butchers Cottage:

TM/16/00686/FL Approved 25 April 2016

Demolition of garages and erection of replacement attached garages

5. Consultees

(A) TM/17/02705/FL

- 5.1 PC: Objects, as follows:

- 5.1.1 Description: On entering the village from the south, Butchers Cottage and its curtilage forms an important element in Shipbourne's visual character which at this point includes the Common, Shipbourne House, the Chaser, St Giles Church and Churchgate Cottages. This planning application which would require the removal of part of the boundary, removal of trees and shrubs and replacement with a double parking space would negatively impact on Butchers Cottage, the street scene and on the Conservation Area.
- 5.1.2 Heritage Policies: In accordance with paras Ch.12 of the NPPF great weight needs to be given to proposals that impact on Listed Buildings and their settings. The Parish Council consider that 'less than substantial harm' is created by this application and as such the harm caused by the application would have to be justified by the public benefits of the proposal. There is no increased public benefit, indeed due to its impact on the character of this part of Shipbourne in our view there is a public dis-benefit.

- 5.1.3 Shipbourne Parish Council objects for the following reasons:

- the 'Heritage Statement' fails to address the following issues:
 - the application is in the setting of two Grade II Listed Buildings, Butcher's Cottage and its neighbour Shipbourne House (previously the old Post

Office); the significance of the Listed Building was not described, nor the impact of the application on their significance assessed.

- it requires demolition of the curtilage wall surrounding a Listed Building;
- it makes no reference to the impact on the Shipbourne Conservation Area;
- the Planning Application makes no reference to:
 - planning application TM/16/00686/FL approved earlier this year which replaced the existing one car garage with an integral garage/carport for 2 cars;
 - the intent to apply for the removal of a eucalyptus tree located on the eastern edge of the curtilage of Butchers Cottage
[DPHEH: TMBC raised no objections to this application, under reference TM/17/02885/TNCA].
- the application fails to give details of the materials to be used for the replacement picket fence and brick wall. These should have indicated re-use of bricks and fencing of matching materials and design.
- there is no indication as to whether the turning circle into the parking spaces is adequate without encroaching on other people's land.
- the proposal would:
 - detract from the character and distinctiveness of the Shipbourne Conservation Area;
 - harm the setting of Butchers Cottage (a Grade II LB);
 - conflict with *the Shipbourne Design Statement*, the Historic and Cultural Heritage policies of the adopted *Kent Downs AONB Management Plan (Policy HCH1)*, *Policy SQ2 of the Current Development Plan*;
- In the context of paras Chapter 12 of the NPPF the harm caused by this application cannot be justified by public benefit nor is the development needed to provide optimum viable use as there is already provision for parking and a garage.

5.1.4 For the reasons set out above the Parish Council would urge the Borough Council to refuse this application.

5.2 Private Reps: 5 + site + press notice/0X/0R/0S

(B) TM/18/01172/LB

5.3 PC: Reiterates its previous objections to the related planning application, which it summarises as follows.

5.3.1 The proposal would:

- Detract from the character and distinctiveness of the Shipbourne Conservation Area;
- Harm the setting of Butchers Cottage (a Grade II Listed building);
- Conflict with the Shipbourne Design Statement, the Historic Heritage policies of the adopted Kent Downs AONB Management Plan (Policy HCH1), and Policy SQ2 of the current development plan;
- In the context of Chapter 12 of the NPPF the harm caused by this application cannot be justified by public benefit nor is the development needed to provide optimum viable use as there is already provision for parking and a garage.

5.3.2 Currently there is a parking space on the right hand side of the house, accessed over Shipbourne House access. There is room to widen this parking space with removal of a much smaller amount of fence and wall (estimate 1.2m) to allow two cars to be parked side by side, thereby allowing both cars to move independently and ensuring that the access to Shipbourne House would never be blocked. SPC would not object to this solution as it would cause far less impact on the setting of the listed building and ensure that the existing listed wall and curtilage did not need to be demolished.

5.3.3 There is also a new garage to the rear of the property providing garaging space and other options using rear garden space which would not impact on the Listed Buildings and aspect of the Cottage to Stumble Hill and the Green, such an important view within the Conservation Area. Other less detrimental options are therefore available.

5.3.4 This curtilage listed wall is an important part of the setting of and integral to the Grade II listed Building, it is a historic boundary feature within the Shipbourne Conservation Area and its removal will harm both the setting of the Grade II listed building and the Conservation Area. There is no justification for its removal and there is therefore conflict with the provisions of the NPPF.

5.3.5 The importance of boundary treatments are highlighted in the Kent Downs AONB Landscape Design Handbook adopted and referred to in the MDEDPD, and also in the adopted Shipbourne Design Statement (p 25).

5.3.6 The Parish Council have no objection to the repainting of the fencing white as this is a traditional treatment of many boundary treatments in the village. However there is strong and reasoned objection to the removal of the boundary wall in order to provide hardstanding in front of the Cottage, and the objection to Planning Application TM/17/02705/FL remains unaltered.

5.4 Private Reps: 5 + site + press notice/0X/0R/0S

6. Determining Issues

6.1 The main issues are:

- whether the proposed changes to the boundary treatment would be appropriate in this sensitive location;
- the impact on the street scene and the character of the area, with particular reference to the Shipbourne Conservation Area and the setting of Butchers Cottage and the adjacent listed buildings and the Kent Downs AONB.

6.2 Key development plan policies and national guidance are identified as follows:

6.3 TMBCS (2007) Policies CP1 (Sustainable Development) and CP24 (Achieving a High Quality Environment). Policies CP3 (MGB), CP7 (AONB) and CP14 (Development in the Countryside). MDEDPD (2010) Policy SQ1 Landscape and Townscape Protection and Enhancement.

6.4 NPPF (2018) Section 12 Achieving well-designed places; Section 13 Protecting Green Belt land; Section 15. Conserving and enhancing the historic environment. Para 172 requires local planning authorities to give great weight to conserving landscape and scenic beauty within AONB which, along with National Parks and the Broads, have the highest status of protection in relation to these issues.

6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, in the exercise of planning functions, that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.6 Section 16(2) of the Planning (Listed and Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Introductory points:

6.7 It may be noted that the formation of the new area of hardstanding does not require planning permission provided that it is surfaced in a porous material or provision is made to direct water run-off to a permeable or porous area within the curtilage of the dwelling. This permitted development right is not removed or modified by location within a conservation area or by a dwelling's 'listed' status.

6.8 Listed building consent is also not required for the formation of the hardstanding as this work does not amount to the demolition, alteration or extension of a listed building, for which consent would be needed. However, it is considered that listed building consent is required for the changes to the boundary treatment as this is attached to the building.

- 6.9 Planning permission is also required because permitted development rights are removed where such works involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Listed Building considerations:

- 6.10 The Heritage Statement submitted with the application is brief and, as Shipbourne Parish Council points out, does not discuss the significance of the listed building or the impact of the works on it. However, the proposals would not directly affect the building itself and the impact on the setting of the building would be broadly neutral. The length of wall/fence to be removed from the flank boundary would be roughly equivalent to the length to be reinstated on the front boundary. Similarly, the area of hardstanding to be formed would be about the same as the existing area which is to be restored to garden.
- 6.11 The Council's conservation adviser has made a detailed assessment of the proposals, with particular reference to the existing boundary treatment, and has provided the following comments:

The brick plinth wall surrounding the front garden is relatively modern and built in the 20th century. It may have been constructed prior to 1948 but, if so, close to this date. It is a simply constructed single skin wall with cement mortar joints.

The planning application can be supported, having regard to the impact on the setting of the listed building and the character and appearance of the conservation area. Whilst the historic curtilage shows a boundary in this location, this forms a very minor role in the significance of the listed building as the size and shape of the garden space to the front is not of any particular importance in understanding the character of the building and its setting. This will in effect be sustained, as will the significance of the conservation area, in reference to the NPPF, as the parking space will move from one part of the garden to another.

As regards the listed building consent application, the wall is of little architectural and historic merit and therefore, even as a curtilage listed structure, its loss would not harm the special character of the listed building. The original intention was to reinstate the wall and fence across the existing opening, presenting a more unified front boundary. However, should the application be amended to remove the brick plinth entirely and install an entirely new picket fence, which the applicant is understood to be considering, given that there is no historic precedent for the brick plinth, my view is that this simplified form of boundary treatment would be appropriate to the status and semi-rural location of the house, and to the appearance of the conservation area, and this would therefore be acceptable. Nevertheless, should a new brick plinth be proposed as part of the reconstruction, details of source and type of any new bricks needed should be required by condition to be submitted to and approved in writing by the LPA.

- 6.12 The proposals would allow vehicles to be parked in front of the main wall of the house, parallel to that wall, whereas in the current arrangement one or two cars are parked in tandem formation, at a right angle to the wall, and to the side of it. Vehicles parked in the new location may be visually more prominent and would partially block views of the front wall and windows. However, as noted above, additional hard surfacing could be introduced into the site frontage without the need for planning permission (subject to satisfactory drainage), or listed building consent. Furthermore, the front elevation of the house might be obscured, to various degrees, by planting, as at present, also without need for consent. The visual impact of vehicles will also be partly screened by the new sections of fencing and by any additional or replacement landscaping.
- 6.13 Since the planning application was submitted, the substantial eucalyptus tree growing just inside the front boundary has been removed. The Council had raised no objections to this. The applicant proposes to plant a replacement, of a native species, as well as removing/tidying plant and shrub growth along the front and south flank boundaries.
- 6.14 The Parish Council also objects that details of the materials to be used for the replacement boundary treatment are not provided and suggests that the re-use of bricks and fencing of matching materials and design should have been indicated. The amended proposal is now to dispense with the combined brick plinth/picket fence in favour of a simple picket fence. The PC would be content for the fencing to be painted white and a planning condition can reasonably and properly be imposed to secure a satisfactory final appearance.
- 6.15 Similarly, details of the surfacing and drainage of the new parking area and restoration of the existing parking area may be secured by condition as these aspects are both included as elements of the overall application.

Conservation area considerations:

- 6.16 Given the location, the proposal is subject to the requirement in S72 of the 1990 Act, that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.17 Shipbourne Parish Council also objects that the Heritage Statement fails to address the impact on the Shipbourne Conservation Area. The only reference in the Statement is a note as to the location and an assurance that “every effort will be made to ensure the new and reclaimed materials will preserve the qualities of the surrounding area.”
- 6.18 This part of the local street scene displays high quality in both character and appearance, with a high concentration of listed buildings in a short and highly visible stretch of highway opposite the extensive open area of The Common.

- 6.19 Few nearby sites have a formal front boundary treatment. Neither Shipbourne House to the immediate north nor The Chaser Inn beyond that has a front wall or fence and the respective frontages are open to public view, with areas of hardstanding and parked vehicles clearly visible. Mallow House to the south is set well back from the highway frontage, with a large landscaped area of grass, trees and shrubs in the intervening space which largely obscure the site boundary.
- 6.20 In this context the visible boundary treatment around the front of the curtilage of Butchers Cottage is quite unusual. It is nevertheless a characteristic and valuable feature in the street scene. The closure of the existing gap in the principal frontage on Stumble Hill and the provision of a picket fence all round would satisfy the 'preserve or enhance' test.
- 6.21 The removal of the existing area of hardstanding and restoration to conventional garden behind the new length of fencing would also be expected to contribute positively to the appearance of the conservation area.
- 6.22 On the southern flank, the removal of a 6m stretch of boundary enclosure would have an impact on the street scene. This is arguably a more subordinate elevation, although still clearly visible on an approach from the south, but the formation of additional matching fencing around the new parking area would to a degree compensate for the loss. Subject to the use of matching materials and finishes, the changes to this part of the boundary would not be expected to harm the character and appearance of the conservation area and would thereby satisfy the 'preserve or enhance' test.

Other material considerations:

- 6.23 The site lies within the MGB, where restrictive policies apply. Paragraph 143 of the NPPF states that inappropriate development is harmful to the Green Belt by definition and should not be approved except in very special circumstances. Paragraphs 145 and 146 go on to list exceptions to the types of development considered to be inappropriate for the purposes of applying national policy. In particular, paragraph 146(b) allows for engineering operations such as this to take place provided the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. I do not consider that the development would have any impact on the openness of the Green Belt and thus the development is not inappropriate.
- 6.24 The site also lies within the Kent Downs AONB. The Parish Council make particular reference to Policy HCH1 in the *Kent Downs AONB Management Plan*. This is a broad policy under which '*The protection, conservation and enhancement of the historic character and features of the Kent Downs landscape will be pursued and heritage-led economic activity encouraged.*'
- 6.25 The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. Relevant to this is the duty on public bodies to 'have regard' for that

statutory purpose in carrying out their functions (section 85 of the Countryside and Rights of Way Act, 2000). This is supported by adopted policy CP7 of the TMBCS and policies contained within the NPPF.

- 6.26 Having regard to the foregoing assessment and conclusions as to listed building and conservation area issues, it is concluded that there would also be no harmful impact on the natural beauty and quiet enjoyment of the AONB and no conflict with adopted policy, national requirements or statutory duties in connection with the AONB.
- 6.27 The PC suggests that access to the new parking area would require vehicles to encroach over adjacent land. The applicant confirms that the application property has the right to use the access on the south side and this appears to be approximately 6m wide, which would be sufficient to allow a typical private car to manoeuvre into and out of the new spaces without undue difficulty.
- 6.28 The sight line for drivers emerging from the spaces would be limited on the west side by the bulk of the dwelling although on the east side the reasonably low fence and its partially open character would allow better visibility. However, the private lane is not a major thoroughfare and visibility would be similar to what is available from the recently constructed garages to the rear. In the circumstances, it is unlikely that highway safety would be significantly compromised.

Conclusions:

- 6.29 Whilst the submitted Heritage Statement is brief and basic, sufficient information has been provided to enable a decision to be made. The applicant expresses a clear intention to carry out the works in matching materials and finishes and it is reasonable to reserve on details by way of condition(s). In view of the sensitivity of the site, it is appropriate to require samples of materials, including the surfacing, to be submitted for approval.
- 6.30 Subject to these controls, and taking due note of the extent of works which may be undertaken without the need for a planning application and/or listed building consent, it is concluded that the proposal would achieve adequate compliance with adopted development plan policies and national guidance, would not materially harm either the listed building or adjoining listed buildings or their respective settings, and would satisfy the 'preserve or enhance' test applied to development within a conservation area.

7. Recommendation

(A) TM/17/02705/FL

- 7.1 **Grant planning permission** in accordance with the following submitted details: Email dated 10.08.2018, Proposed Layout KS/003 dated 28.09.2017, Site Plan dated 28.09.2017, Location Plan dated 28.09.2017, Statement Heritage dated

28.09.2017, Photograph dated 28.09.2017, Elevations Picket fence dated 22.10.2018, 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 The picket fence hereby approved shall not be erected except in accordance with details, including samples of materials and finishes, which shall be submitted to and approved in writing by the Local Planning Authority before works commence.

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 additional hard-surfaced parking area shall be constructed in porous materials, details of which (including samples) shall be submitted to and approved in writing by the Local Planning Authority, and the new access and hard-surfaced parking area shall not be brought into use until the development has been carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the site, the listed building, or the visual amenity of the locality, and in the interests of sustainable development, to avoid water run-off onto the adjacent highway or onto adjacent sites.

- 4 Within the next available planting season following the formation of the new hard surfaced parking area, the front garden of the property shall be planted in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The planting proposals shall include at least one tree, of a native species, to replace the eucalyptus tree which has been felled. The replacement tree and any other trees forming part of the landscaping plan which, within 10 years of the date of planting, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with another or others of a similar size and species.

Reason: In the interests of the visual amenities of the locality.

Informative

- 1 The Council recommends consulting the Government's advice note Guidance on the permeable surfacing of front gardens, which may be viewed at: www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance

(B) TM/18/01172/LB

- 7.2 **Grant listed building consent** in accordance with the following submitted details: Block Plan dated 28.09.2017, Location Plan dated 28.09.2017, Photograph dated 28.09.2017, Letter dated 21.05.2018, Statement Heritage dated 21.05.2018, Email dated 10.08.2018, Elevations picket fence dated 22.10.2018, subject to the following condition:

Condition

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Contact: Leslie Sayers