

**Mereworth  
(Mereworth)**  
Downs And Mereworth

**15 October 2018**

**TM/18/02444/FL**

Proposal: Erection of detached dwelling  
Location: 246 Butchers Lane Mereworth Maidstone Kent ME18 5QH  
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**1. Description:**

- 1.1 Planning permission is sought for the erection of a detached dwelling along with associated parking and access.
- 1.2 The proposed dwelling has been considerably amended following negotiations with officers. The original plans proposed a two storey dwelling; the building has now been greatly reduced in size to a single storey chalet style dwelling with accommodation in the roof and a low eaves height. One parking space is proposed within the curtilage of the dwelling.
- 1.3 The building will use traditional materials of face brickwork and tile hanging with some walls rendered to add interest and difference in the elevations. The choice of materials and modest size of the dwelling reflects the countryside setting and would be reminiscent of an agricultural workers' dwelling.

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

- 2.1 At the request of Cllr Balfour and Cllr Kemp due to concerns regarding over development of the site and parking problems in that area.

**3. The Site:**

- 3.1 The site lies within the settlement confines of Mereworth, south of Kings Hill. It is a small plot of land, roughly triangular shaped, between the junction of Butchers Lane and Beech Road. Adjacent land uses are primarily residential dwellings and gardens. The site is backed onto by a row of terrace properties fronting Butchers Lane. It is stated to have been in use as garden land. It is enclosed by close boarded fencing and hedging around the boundary. Beyond the site's immediate surroundings is open countryside and fields. Development patterns are varied, comprised of different dwelling types in a wide range of orientations and plot sizes, reflecting the largely piecemeal development of the settlement. Although not a designated conservation area it retains a pleasant rural character. The site is also an area of archaeological potential but there are no other relevant designations.

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

- 4.1 None

**5. Consultees:**

5.1 PC: strongly objects to this application for a double storey 2/3 bedroom detached dwelling on the following grounds:

- The site is on a junction which has very poor visibility
- The proposed development is very dense for the size of the plot
- There are dangers relating to car parking arrangements as this road is used as a 'rat run'
- It is in an area of historic character and this Council is not satisfied that the proposals respect this (Policy P4/7)
- Access is difficult and extra, potentially dangerous, vehicle movements in a congested area are a cause for concern
- Proximity to the Grade II Listed Holly Cottage: the proposed development would be higher than the latter and would detract from its attractive appearance
- It would partially obstruct the view from houses north of Beech Road
- The hedge that is proposed to be removed is part of the 'Historic Character' area

Members request that a Conservation Officer should be consulted on this application.

5.2 KCC (H+T): Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

*DPHEH Officer note: following a number of neighbour objections further clarification was sought from the Highways department who provide the following comments:*

Thank you for inviting me to give further comment regarding this application. As advised this application is not of a scale that is considered to generate a number of new traffic movements to warrant involvement from this authority. It is not considered that a highway reason for refusal in terms of traffic generated could be sustained in an appeal situation, especially bearing in mind paragraph 109 of the National Planning Policy Framework July 2018.

With regards to safety I appreciate that this application involves a new access onto the highway. I can confirm that the roads here are unclassified however and accesses onto these roads are deemed permitted development. Developments that are permitted i.e. not requiring planning approval are given within the Statutory Instrument, The Town and Country Planning (General Permitted Development) (England) Order. Schedule 2 Part 2 Class B of this order specifies that means of access to an unclassified highway is permitted. Equally I do not consider therefore that I am able to raise any safety concerns regarding the new access proposed.

5.3 Private Reps: 27/0X/25R/0S + site notice. 25 objections raised on the following (summarised) grounds:

- Proposal will block out neighbouring light
- Designated quiet lane for walking, cycling & horse riding in a safe environment
- Parking arrangements will be close to my driveway and will impact due to noise, pollution and obstruct view
- Outdoor space will create further noise and disturbance
- Parking is insufficient
- Proposal constitutes garden grabbing
- Village should not be subject to overdevelopment
- Assault on rural nature of the area
- Village is within Metropolitan Green Belt (*DPHEH Officer note: site is not within the Green Belt*)
- House will be crammed into a very small site and will be overbearing
- Additional parking space for 246 not within the boundary of the proposed house – should be subject to a separate application
- Access on a blind bend
- Land not vacant
- Plans inaccurate
- Width between adjacent dwellings and proposed house insufficient
- Application would be inappropriate in Green Belt & conflict with purposes (*DPHEH Officer note: site is not within the Green Belt*)

- Revised drawings insufficient, all previous objections still apply
- Loss of light, building would be overbearing, overshadow and oppressive
- Development would be intrusive and dominant
- Area of historic interest
- Roads unsafe, development would risk highways safety
- No parking for contractors
- Application form filled out incorrectly
- Not in keeping with surrounding dwellings including Grade II Listed building
- Drainage insufficient
- Wildlife impacted from loss of hedges
- Proposal will devalue adjacent dwellings
- Right of way not shown on plans
- Area already spoiled by two new dwellings at 193
- Logistics of construction questionable and vehicles likely to cause damage to properties
- Project notifiable to HSE
- Proposal constitutes public viewing gallery
- No room for storage of building materials on site
- Similar to nearby development that was refused
- Lorry was trapped in nearby lane
- Do not want a house in our back garden
- Dwelling would look out of place and spoil skyline
- Revised plans still unacceptable

## **6. Determining Issues:**

### Principle of development:

- 6.1 The application seeks to erect a new dwelling within the confines of the settlement. As Members will be aware TMBC cannot presently demonstrate a five year supply of housing. Whilst this will be addressed through the local plan, it has clear implications for decision making in the present. Members will also be aware that a new version of the NPPF was published in July of this year. Overall, the general thrust of government guidance has not altered and the presumption in favour of sustainable development still falls to be applied in the absence of a five year supply of housing. The precise wording which sets out the “presumption” is now contained at paragraph 11(d) of the NPPF and states that, in effect, because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development.
- 6.2 The development plan must remain the starting point for determining any planning application, as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006, which is overtly reiterated at paragraph 12 of the NPPF. The consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the NPPF as a whole and ultimately consider the acceptability of the scheme for determination.
- 6.3 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP13 of the TMBCS states that minor development including housing will be permitted within the confines of settlements including Mereworth, providing it is appropriate to the scale and character of the settlement. The erection of a single dwelling is considered to accord with this policy and is of a scale and character that can be supported within the rural settlement. Whilst Mereworth does not contain extensive services, the site is a short distance from Kings Hill with a wide range of shops and services. Buses are also within walking distance to the site providing connectivity to West Malling and the train station.
- 6.4 Moreover, it should be recognised that the new version of the NPPF sets out that where there is an existing shortage of land for meeting identified housing needs (i.e. where an LPA cannot demonstrate an up to date five year supply) it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site (paragraph 122). It goes on to state that applications should be refused where it is considered that proposals fail to make efficient use of land.
- 6.5 Paragraph 11(d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed

development. Footnote 6 then sets out what those policies are and includes policies for seeking to protect designated heritage assets and protection of Green Belt land. It is therefore necessary to establish whether the scheme accords with restrictive policies in this respect before establishing whether the presumption applies.

- 6.6 Although third party comments regarding impact on Green Belt are noted, the site itself lies outside of the Green Belt, within the inset settlement confines of Mereworth. As such this would not be a reason for disbarring the presumption in favour of sustainable development.
- 6.7 Third party comments in relation to the proximity of Grade II Listed Holly Cottage are noted. As a listed building Holly Cottage would qualify as a designated heritage asset. However the Listed Building is considerably detached from the development site, and the curtilages are separated by a parking area. The Listed Building would still be viewed in its own context and the erection of the proposed dwelling some distance away would not be detrimental to the significance of the Listed Building. As such no harm would arise to the designated heritage asset and the presumption in favour of sustainable development would not be disbarred due to adverse impacts on the Listed Building. This view is shared by the Council's Listed Building advisors.
- 6.8 Consequently there are no specific policy constraints that would disbar the presumption in favour of sustainable development. The presumption therefore applies and carries significant weight in favour of the proposal. With this having been established, it is then necessary to consider whether the specific detail of the scheme is also acceptable.

*Design & impact on neighbouring amenity:*

- 6.9 Policies CP24 of the TMBCS and SQ1 of the MDE DPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development 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.
- 6.10 The dwelling has been significantly redesigned following officer negotiations. The design of the property is considered to be in keeping with this rural location and the size and scale is appropriate given the plot size. Although the plot is small it is not considered that the proposal would represent overdevelopment of the plot and adequate spacing and amenity areas would be provided. Hedging would be retained around the boundary. The somewhat close proximity to surrounding dwellings is noted but this is often synonymous with development in historic villages in which buildings would share party walls or closer spatial relationships. The site currently makes no particular contribution to the aesthetic of the area and

the erection of a well-designed dwelling with associated landscaping has the potential to provide some measure of enhancement.

- 6.11 In terms of impact on neighbouring amenity and privacy, third party concerns are noted. However the dwelling is set away from neighbouring properties at the back of their rear gardens. The road separates the site from other dwellings. The low eaves and ridge height of the property would prevent the dwelling from having a significant overbearing effect. The dwelling would not cause undue overshadowing particularly given its position north east of the terraced dwellings most likely to be impacted. Dwellings north of the site along Beech Road are north facing and separated by the road, and so the proposed dwelling would not result in any significant overshadowing to these properties or their gardens.
- 6.12 The dwelling contains some windows within the roof to provide light to upstairs rooms. However none of these directly align with adjacent properties and neither do they offer vantage points into private garden areas. The elevation facing the rear gardens of the terraced dwellings contains no windows at first floor level. Overall it is not considered that the dwelling would have an unacceptable impact on the privacy of neighbouring properties.
- 6.13 It is fully recognised that the views and outlook of surrounding properties will change as a result. However the planning system cannot protect views, particularly over land in private ownership. Ultimately the impacts on neighbouring amenity and privacy must be significant enough to warrant a refusal and, whilst there may be some level of change, it is not considered that this would be so harmful as to justify withholding planning permission.
- 6.14 Overall it is not considered that the proposal would conflict with Policies CP24 of the TMBCS and SQ1 of the MDE DPD.

Highway safety and parking provision:

- 6.15 The application proposes 1 parking space within the curtilage of the property. Against the adopted Kent Parking Standards SPD the requirements for a dwelling of this size in this location would be 1.5 spaces. Whilst third party comments concerning existing parking pressures are noted it is not considered that a shortfall of 0.5 of a space is sufficient reason to justify a refusal. Future occupiers could make an informed decision as to whether the level of parking provision provided is sufficient to meet their needs. If parking was displaced onto the road from future occupiers owning more than one vehicle, cars would still need to be parked in accordance with the highways code and the planning system cannot regulate the lawful parking of vehicles on the public highway. Vehicles parked unsafely or illegally would be a matter for the Police or the Highways Authority. Given that only two bedrooms are proposed it is unlikely that cumulative parking pressures would be so severe as to have a significant detrimental impact on the amenity of neighbouring properties. It should be reiterated that the NPPF states that development should only be prevented or refused on highways grounds if there

would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is a very high bar and the erection of a single dwelling will rarely have such an impact.

- 6.16 Whilst the plans appear to show another space set out for the former host dwelling with access onto Beech Road, it should be noted that the road is non-classified and so the formation of a means of access onto the highway could be permitted development, if carried out in conjunction with other works. This aspect of the scheme could not be prevented as planning permission would be unlikely to be required.
- 6.17 Third party comments in regards to highway safety and visibility on the road are noted. Kent County Council's (KCC) Highways department are the Council's expert advisors on matters of road safety. The application falls far below their threshold for consideration: for a non-classified road like Butchers Lane the Highways department will not comment unless more than 5 dwellings are proposed. In practice this means that KCC consider the impact to be so minor as to not merit detailed consideration. Whilst it is recognised that this will be frustrating to neighbours, KCC are the highways experts and there is no evidence before the Council that the addition of one dwelling and the relatively low vehicle trip count it would generate would have a severe impact on the safety and operation of the highway. Because of this a reason for refusal on highways safety grounds could not be substantiated. No conflict with policy SQ8 of the MDEDPD or policy CP2 of the TMBCS is considered to occur.

Archaeology:

- 6.18 The site lies within an area of archaeological potential. It is therefore necessary to attach a planning condition which requires a watching brief to be undertaken should any features of archaeological interest be discovered.

Other Matters

- 6.19 Third Party comments refer to the site falling within a designated area of historic character. However policy P4/7 concerning this has not been saved. The saving direction does provide that the policy will remain a material consideration until such time as a Character Area Appraisal is prepared in accordance with policy SQ1 of the MDE DPD but nonetheless it is not considered that the proposal would be detrimental to the historic character and appearance of the area.
- 6.20 Third Party comments concerning loss of hedges are noted. The plans suggest that the majority of the hedging falls outside of the development area. Nonetheless a scheme of landscaping can be provided prior to occupation setting out how the site is to be landscaped and planted. As the site is otherwise fenced off garden land and given the proximity of the hedge to the road and other development, and in the absence of specific policy designations (such as SSSI) suggesting any

ecological sensitivity, it is not considered that the proposal would impact on protected species.

6.21 Third party comments in relation to property values are noted; however this is not a planning consideration.

### Conclusions

6.22 The proposal would make more efficient use of land and provide one additional dwelling towards local housing supply. The site is within an area in which minor development is considered acceptable in principle. The site would not be physically isolated or inherently unsustainable. There is no case to be made that severe highways impacts would result. Parking provision, whilst technically below adopted standards, is not considered to have any significantly harmful impact. Whilst it is recognised that the outlook from adjacent properties will change, in light of the positioning and scale of the proposed dwelling it is not considered that the impact on neighbouring amenity from an overshadowing or overbearing effect or through loss of privacy would be so great as to justify a refusal. All third party comments have been considered but none are sufficient to change the recommendation.

## **7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Proposed Layout 1031-SK 01 D received 10.12.2018, Proposed Layout 1031-SK 02 D received 10.12.2018, Proposed Elevations 1031-SK 03 D received 10.12.2018, Street Scenes 1031-SK 04 B received 10.12.2018, /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. All materials used externally shall accord with the approved plans.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. Before the development hereby approved is occupied a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. 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.

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.

4. The dwelling hereby approved shall not be occupied until the area shown on the submitted layout for a 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 and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

5. The development shall be constructed at the level indicated on the approved drawing.

Reason: To ensure that the development is constructed in accordance with the approved plans to safeguard neighbouring amenity.

6. The window on the first floor south western elevation shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

7. 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 windows or similar openings shall be constructed in the first floor south western elevation of the building other than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

Contact: Adem Mehmet