

Platt
Borough Green And
Long Mill

12 February 2019

TM/19/00326/FL

Proposal: Demolish existing dwelling and erection of replacement dwelling and detached studio
Location: Bonhill Cottage Basted Lane Crouch Sevenoaks Kent TN15 8PZ
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1. Description:

- 1.1 Planning permission is sought for the demolition of the existing dwelling known as Bonhill Cottage and the erection of a replacement dwelling and detached studio, along with associated parking and landscaping.
- 1.2 The proposed dwelling is to be set out over two floors with further accommodation in the loft space. The design has a mix of gables and hipped roofs with tile hanging and face brick work. The proposed dwelling would sit in a generous landscaped plot with parking provided in the integral garage and on the front driveway. Two spaces are proposed in the integral garage but the drive is wide and could accommodate a number of additional cars.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Taylor and Councillor Palmer in order to consider whether the proposal represents:
 1. Overdevelopment of a rural site
 2. Poor design out of keeping with the local area
 3. Although not listed, the existing building is a significant piece of local heritage
 4. Lack of any landscaping to address the damage that recent indiscriminate tree clearance has had on the site and the surrounding area.

3. The Site:

- 3.1 The site is a detached two storey cottage and garden, located within the settlement confines of Crouch. It is dated to 1864, and was built as an estate workers' cottage associated with Winfield House (listed Grade II). The quality of the exterior materials and craftsmanship is worthy of note, in particular the galetted joints of the stonework and the use of smooth-faced gault brick detailing (now largely painted). In other aspects the building is curious: the tall proportions, old-fashioned styling, the almost identical symmetrical front and rear elevations, and a floor plan which requires each of the main rooms to have two doors for convenient

circulation. This unusual but slightly awkward architecture suggests that the design was perhaps the work of a builder, not a professional architect. Not unsurprisingly for an estate cottage, greater effort has gone into the exterior styling of the building than the interior fit-out. What remains of the original fittings, most obviously the doors and some skirting, indicates that the interior was always modest. The building has undergone a number of alterations, including two extensions. That to the north has a lesser impact than that to the east, which is on the front of the building and has required the loss of one of the window openings and the repositioning of the front door. Internally there has been the loss of fireplaces and some joinery. There will almost certainly have been losses of other fittings too, but these can only be speculated.

4. Planning History (relevant):

TM/56/10591/OLD grant with conditions 20 September 1956

Garage to 'Barnhill Cottage'.

TM/59/10564/OLD grant with conditions 22 December 1959

Garages.

5. Consultees:

5.1 PC: Objects strongly to this application on the following grounds.

5.1.1 The Council feel it is very important that an archaeological survey is undertaken as the existing dwelling is described as a non-designated heritage asset. The ragstone from the old building should be recycled, not just as a token gesture on the studio. It is important to retain as much as possible of the old building and local materials. Crouch is a hamlet and is fast becoming an area of modern houses out of keeping with the location and history of Crouch. See Head of Planning's advice notes 5.2 and 5.4.

5.1.2 The house is massive, the main bedroom is 16 1/2 ' x 20' and the kitchen 32 ft long! The current cottage is 80 sq m footprint and it looks as if the studio is more than 80 sq m. However, the size of the footprint of the new house is not shown anywhere on the plans. Is there a reason for this?

5.1.3 The use of red tiles on the main building and slate on the studio looks very strange. The west and east elevations are not aesthetically appealing and highlights the clumsy design whereas the existing property has a number of attractive character features. The gable with the tall window (landing) gallery also has two sky lights. The Parish Council question why this is necessary when there is a glass wall. It is also questioned why it is thought necessary to have double

height windows in this house which only creates light pollution. The use of the Ibstock Bexhill Dark Stock brick would be preferable to the other suggestion which is quite garish. The flat roof of the kitchen area is sprawling and not in keeping with the rest of the house. Has this been done to create a terrace which again is totally out of keeping with the area and only adds to the mass of the house. The terrace is 3 ½ m high and will definitely over look Crouch Court. The Council feel that 5.5 and 5.7 in the Head of Planning Officer's advice should be noted.

5.1.4 The second floor of the house is described as roof space accommodation/storage but it's intended purpose is unclear. If it is storage space why is it so high with windows and a skylight. This seems totally unnecessary and a lower roof line would improve the unattractive roof design of the house. The roof should be reduced to improve the finished roof line. The studio is very large and there is no indication on the plans what it will be used for. As shown on the plans it just a building with no facilities and the Parish Council feel that it should be conditioned that any changes, ie toilet etc. should be the subject of a planning application because it could easily be changed to a separate hereditament. If the Borough Council is minded to grant this application then this building should be conditioned as non-residential.

5.1.5 The site was very wooded until cleared and so if there were any trees worth protecting then they will have been removed. It is a pity to expose the site so much and it is requested that a landscaping scheme should be submitted and the use of native trees be stipulated. Head of Planning's advice note 5.8 should be taken into consideration. It is noted that recycling bins are to be stored in the garage. However, the Parish Council feels that a stipulated area should be shown as a permanent outside location because some residents will use a garage for its intended purpose and in this instance there will then be five bins sitting on the drive. This allocated land use should apply to all new dwellings.

5.1.6 The Council is concerned about health and safety on the site which is very cluttered and request that there is a designated area for parking and turning during construction because of the narrowness of Basted Lane. Great care and consideration should be afforded to pedestrians and traffic in the area because of the expected traffic disruption for delivery and removal of materials. In the Demolition and Construction Management Plan it states that the anticipated loading of each lorry is expected to be approximately 15 minutes. The Parish Council request confirmation that this loading takes place on site please. The Council also request that large vehicles be instructed to access and exit Basted Lane with care because the local residents, together with donations from the Parish Council and the Local Members' Fund, have recently invested money in improving the triangle at Long Mill Lane not only to improve the visual impact of the area but for the safety of pedestrians and motorists at the junction.

5.1.7 The Parish Council object to the planning application on the grounds of over development of the site, size of building far exceeding existing footprint, design

and proposed materials, light pollution, unstated use of studio and lack of suitable landscaping scheme. The Parish Council feels that very little attention has been taken of the Head of Planning's advice which is important and should be taken into consideration before any decision is made. The Parish Council would like to take the opportunity to request that the current name is retained. House names are part of the local history and Parish Councils are no longer consulted when new properties are named.

- 5.2 KCC Heritage: The site of application lies within an area of archaeological potential associated with early Prehistoric remains. The building is also identifiable on the 1st Ed OS map which gives it a date of the 19th century or possibly earlier.

As such, I recommend that the following conditions are attached to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

And

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 5.3 Private Reps: 5 + site notice: 0X/1R/4S summarised as follow:

Objection:

- Size of the property is inappropriate for the site
- Loss of another older building
- Original cottage is in keeping with surrounding buildings
- Support bid to have it listed

Support:

- Expected two dwellings
- Breeze block extensions spoil existing cottage

- Site was cleared by previous owner
- Proposed house in keeping with surrounding dwellings
- Crouch is not a quaint hamlet
- Things change
- Strongly urge council to grant permission
- Small studio reusing the stone pays respect to the cottage
- Site is large and existing house is cramped and has reached the end of its useful life
- Proposed use very sympathetic

6. Determining Issues:

Principle of Development:

- 6.1 The site lies within the settlement confines of Crouch where policy CP13 sets out that development should be restricted to minor proposals appropriate to the scale and character of the settlement. The erection of a replacement dwelling is considered to accord with this policy as a minor development proposal. This is broadly consistent with the NPPF and recognises that there are no “in principle” reasons why development should not be allowed in the settlement boundary that lies outside of the Green Belt. As such, it is considered that there are no objections to the principle of the development under policy CP13, with the key issues resting on the impact of the proposal on the character and appearance of the area, neighbouring amenity, protected species and parking and highways.

Character and appearance, loss of undesignated heritage asset:

- 6.2 It is recognised that the proposal would result in the loss of the current building. The building is an attractive example of a rural estate workers’ dwelling, and as noted in the thorough assessment of the building’s history carried out by Historic England, it is an unusual example that has local significance.
- 6.3 Historically the building has been connected with Winfield House which, although listed, does not have particular claim to historic interest above many other houses of its type. The unlisted Winfield Cottage, which is stylistically similar to Bonhill Cottage and was also part of the Winfield estate, has a visual relationship with Winfield House because of its proximity, but this is not the case for Bonhill Cottage which is located a short distance away.
- 6.4 Bonhill Cottage has local interest for its use of materials; distinctive, composition and plan; and association with nearby Winfield House. It is however also a relatively late, modest building which has undergone notable alteration and which does not have strong group value with the house with which it is associated.
- 6.5 As a result of a thorough assessment of the history and architecture of the building by Historic England and the Department of Media, Culture, and Sport, it was

concluded that Bonhill Cottage does not merit addition to the statutory List of buildings.

- 6.6 Its loss will inevitably have some impact on the existing character and appearance of the area, and the association with nearby Grade II Listed Winfield House would be lost, although any group value with this property has been largely severed due to historic infilling (this was noted by the Department of Media, Culture and Sport). Nonetheless, the building is capable of being considered a non-designated heritage asset as envisaged by paragraph 197 of the NPPF.
- 6.7 Paragraph 197 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. This test should be differentiated from circumstances where harm is identified to *designated* heritage assets, such as Listed Buildings, Conservation Areas, or Scheduled Monuments, in which case even less than substantial harm can only be justified by wider public benefits. In the case of non-designated heritage assets, identified harm must simply be balanced against other considerations.
- 6.8 Ultimately, irrespective of its status as a non-designated heritage asset, and the resulting harm from its demolition, it is not considered that objections to its loss could realistically or justifiably be sustained. As noted in the assessment by the DMCS, the building is not suitable for Listing. Furthermore, the site does not lie within a Conservation Area. As a result of these factors there is no way that the Council could prevent its demolition in perpetuity, as the applicant could do this without planning permission if so minded, subject to completion of the prior approval for demolition process (in which the merits of demolition would not be under consideration).
- 6.9 Whilst the prior approval process has not been applied for at the time of reporting, it is considered that this represents a “real prospect” as a fall-back position. Members will be well aware of the judgement in *Mansell v Tonbridge and Malling Borough Council [2017]* in which the Court of Appeal held that a permitted development fall-back position need not be specifically confirmed in order to be afforded weight, as long as there is a likely and realistic prospect of that fall back position being undertaken. It is considered probable that if the committee were minded to refuse planning permission on the grounds of loss of the building, it would be open to the applicant to undertake this process in which case the building would be lost anyway, and then mount an appeal, which would be difficult for the Council to defend.
- 6.10 For these reasons whilst its loss is regrettable, the building is not so nationally important that the harm arising is considered to justify a refusal, particularly given the likely and realistic fall-back position in which the building could be lawfully

demolished through an alternative process. Furthermore, the design of the new dwelling proposes to re-use the ragstone and other materials from the cottage to build the accompanying studio, as a reminder of the building that once stood on the site. This is considered to help mitigate any harm arising to the character of the area through its loss.

- 6.11 In other aspects the design of the replacement dwelling is reflective of rural character with tile hanging and brick work, a low eaves height, hipped roofs and gables. Comparable designs can be found within the locality. The rear projecting wing, whilst large, would be located to the back of the property and not be readily noticeable from the street scene. In any case, it would appear no different to rear extensions added to other dwellings, often under permitted development. The building would sit comfortably within its landscaped plot, which was underutilised by the existing dwelling, such that it would not appear cramped or represent overdevelopment. However, due to the design of the dwelling, the free exercise of permitted development rights in relation to enlargement would have the potential to completely undermine the holistic design of the building including, for example, if a further 8m deep rear extension was added on to the existing rear projection under the larger homes prior approval process, or bulky dormers added to the considerable roof space. As such it is considered necessary to restrict further enlargement of the building under Class A and B permitted development rights.
- 6.12 The detached studio would be located next to the building. The proposal to re-use the ragstone from the former dwelling is welcomed and will make a positive contribution to the design and character of the new development. Other properties in this part of the road have detached outbuildings and, whilst somewhat large, the generous spacing on the site would ensure that it does not appear cramped in relation to the main dwelling. No objections are raised to this element of the scheme.
- 6.13 Overall the design and choice of materials is considered appropriate and, whilst some harm would arise from the loss of the cottage, it is not considered that this would result in sufficient grounds to justify a refusal. Accordingly no objections are raised under policies CP24 of the TMBCS and SQ1 of the MDE DPD, and paragraph 197 of the NPPF.

Residential Amenity:

- 6.14 The plot is wide and the dwelling is orientated with the rear facing southwards across the fields with no windows located on side elevations. Adequate spacing would be provided on either side to prevent the building appearing overbearing or overshadowing neighbouring dwellings.
- 6.15 On the roof of the rear projection a small terrace area is proposed to serve the master bedroom. This is partially obscured from the neighbour on that side by the detached studio building, and the edge of the terrace is around 15m from the boundary with that neighbour. The neighbouring dwelling is located further into the

plot with a very large garden that extends further west. In many respects the position of the new dwelling is better for neighbouring amenity than the existing position of the dwelling that points towards the adjacent garden and is located much closer.

- 6.16 As a result of these factors it is not considered that any level of overlooking would arise that would be harmful to the amenity and privacy of the adjacent dwelling. Due to the design of the building the terrace is obscured by the rear flank such that overlooking into the other adjacent property would not be possible, which in any case is considerably further away. A condition to prevent the rest of the flat roof being used as a terrace is appropriate however, as utilising the full extent of the roof as a terrace would enable more of a vantage point into adjacent gardens.

Protected Species:

- 6.17 The site was cleared by the previous owner prior to the applicants taking control of the site. As such it is considered unlikely that any protected species would be present in the grounds of the building. However, due to the age of the property it is important that a bat survey is undertaken prior to demolition of the building and any recommendations arising from the survey are carried out in full. A condition will ensure that this occurs.

Highways Safety and Parking Provisions:

- 6.18 The wide plot would provide ample off street parking both on the drive and within the integral garage that would more than comply with the Council's adopted Parking Standards. The site benefits from an existing access and it is not considered that the vehicle movements would be significantly different as a result of the development.
- 6.19 Whilst Parish Council comments are noted concerning the difficulties of Construction Traffic accessing the site, it would be very difficult for the Local Planning Authority to monitor and enforce any conditions related to the submitted construction management plan. Ultimately construction vehicles using the road or parking unsafely or illegally would be a matter for the Police or the Highways Authority. 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 replacement dwelling will rarely have such an impact. Because of this a reason for refusal on highways safety grounds could not be substantiated and no conflict with policy SQ8 of the MDEDPD or policy CP2 of the TMBCS is considered to occur.

Archaeology:

- 6.20 The site lies within an area of archaeological potential. It is therefore necessary to attach a planning condition which requires a recording of the building prior to

demolition and a watching brief to be undertaken should any features of archaeological interest be discovered. Subject to this no harm would arise to possible buried heritage assets, in accordance with paragraph 193 of the NPPF.

Other Matters:

6.21 Parish Council comments concerning the studio are noted; however its small size would not readily lend itself to conversion into a separate unit. In any case, this would constitute a change of use for which planning permission is required, and so it is not considered necessary to impose a condition on the use of the studio.

Conclusion:

6.22 In conclusion, whilst the demolition of the existing building would result in some harm to the character of the area, the amount of weight that can be afforded to this harm is greatly tempered by the inability of the Council to prevent it being demolished via the prior approval process, and the re-use of materials for the studio. Ultimately it is not considered that a refusal of planning permission on the grounds that the building should be retained is a justifiable position.

6.23 No harm is identified to neighbouring amenity or parking and highways and, subject to conditions concerning protected species and archaeology, no harm would arise in these respects. The proposal would make more efficient use of a previously developed site and there is no identified harm that would be sufficient to withhold permission.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan 18051 P01 dated 12.02.2019, Site Plan 18051 P02 dated 12.02.2019, Landscape Layout 18051 P02 dated 12.02.2019, Proposed Plans and Elevations 18051 P03 dated 12.02.2019, Method Statement dated 12.02.2019, Design and Access Statement dated 12.02.2019, Materials Schedule dated 12.02.2019, Other FINF dated 12.02.2019, 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 visual amenity of the locality.

3. 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. Except for the area shown to be used as a terrace on the approved plans, the remainder of the flat roof rear projection shall not be used as a balcony or terrace.

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 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 design of the building and the character and appearance of the area is not undermined by further enlargement of the building.

8. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

9. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

10. No demolition shall commence until a Preliminary Ecology Study has been carried out and any recommendations for mitigation implemented in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To avoid harm to protected species.

Contact: Adem Mehmet