

Platt
Borough Green And
Long Mill

30 September 2019

TM/19/02275/FL

Proposal: Extending existing access drive to two six bedroom detached houses and two detached double garages, repair of existing boundary wall along west boundary, landscaping and ancillary works

Location: 172 Maidstone Road Borough Green Sevenoaks Kent TN15 8JD

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1. Description:

- 1.1 This is an application for planning permission for the erection of two detached, 6 bedroom dwellings over two and half storeys including roof accommodation. The dwellings are to be erected in the rear garden of the existing building of 172 Maidstone Road, currently in use as a chiropody and podiatry practice.
- 1.2 The proposed dwellings are designed with two front gables, central dormer window and either wood panelling or tile hung detailing.
- 1.3 The scheme has been amended following discussions with officers to improve the relationship between the buildings and the neighbouring dwellings and also adjacent woodland and trees.
- 1.4 Access is proposed via the existing access onto Maidstone Road, which will be extended up to the rear of the site. Parking for 2 x cars is provided plus 2 x spaces within the double garages.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Mike Taylor over concerns on the impact to the character and appearance of the area and neighbouring amenity.

3. The Site:

- 3.1 The site is comprised of a large rear garden, sloping up steeply to the rear of the existing building at 172 Maidstone Road. It is largely laid to lawn with some trees and bushes of varying sizes dotted around the garden; to the rear and sides is denser woodland. It lies within the settlement confines of Borough Green. The woodland to the rear of the site is subject to a blanket Tree Preservation Order (TPO) but there are no other relevant designations.
- 3.2 Surrounding development is primarily residential in a variety of patterns and forms; on this side of the road it is mostly large detached buildings in large plots, but adjacent to the property on the eastern boundary is a comparable back land

development of 4 x semi-detached dwellings located behind the frontage dwellings.

4. Planning History (relevant):

TM/59/10826/OLD grant with conditions 2 April 1959

Garage and workshop.

TM/82/10533/FUL grant with conditions 19 October 1982

Construction of new vehicular access.

TM/91/11178/FUL grant with conditions 18 July 1991

Use of one room as chiropodist surgery.

5. Consultees:

5.1 PC: Platt Parish Council has taken into account the amended plans submitted 5th November 2019 but do not feel they make any impact and do not alter their comments and objections. This is an over development of a rear garden which has not taken into account the impact on the neighbouring properties. No attempt has been made to lower ground levels to ensure that the dwellings sit into the slope of the land. Three storey dwellings are totally inappropriate for this location and will have a very large impact on the privacy of the neighbouring properties, overlooking the house and garden. Not to mention creating unnecessary light pollution.

5.1.1 Consideration needs to be given to smaller properties on this site if the height of the land is not reduced. This could also mean the properties would be more favourable to the housing needs of this area. Unfortunately, the wooded area behind 172 Maidstone Road has been gradually denuded which leaves the present stark site, obviously done with this application in mind. The landscaping scheme does nothing to enhance the area, presumably there is insufficient space to plant new trees. Very careful consideration should be given to the installation of a new boundary wall instead of the repair of existing boundary wall along west boundary and care should be taken to ensure that both neighbours are consulted on the necessary height should the Borough Council grant this application.

5.1.2 The Parish Council is concerned that the entrance is inadequate for the amount of traffic two extra 6 bedroom dwellings will create, it is not just cars but all the delivery vehicles that this will entail. The A25 curves outside this property and the entrance is not considered wide enough for the increased vehicle movements. Further vehicles accessing and exiting this site will also disturb the flow of the

traffic on the already very busy A25 which also raises concerns. Parking and turning on site does not appear to be adequate for two 6 bed dwellings and does not take into account parking for visitors. There is no parking on the A25. Careful thought needs to be given to the parking of construction traffic on site to avoid any unnecessary problems on the A25 if this application is granted.

5.1.3 It is noted that there are only 4 designated spaces for the recycling/refuse bins and the Parish Council do not feel this is sufficient. As the Parish Council has previously remarked the number of bins that are required every week has increased and is a fact of life. Therefore all new properties should be required to make provision on site for these. Platt Parish Council strongly object to this application on the grounds of overdevelopment of the site and the impact this will have on the neighbours and the street scene, light pollution, traffic concerns and inadequate parking and turning on site.

5.2 KCC Highways & Transportation: The site includes a suitably located refuse collection point enabling roadside collection. There is a turning area adjacent which can accommodate medium sized delivery vehicles. The access road is to Fire Tender standard (3.7m) and other parts of the alignment enable passing. The car parking is to standard. There has been 1 slight injury crash adjacent to this site on the A25 in the last 20 years involving a single vehicle (source: www.crashmap.co.uk). On behalf of this authority I write to confirm that it is not considered that a highway reason for refusal to this application could be sustained/upheld. Should this application be approved, I do consider that a construction management plan should be submitted for approval prior to commencement. The site will need to be suitably drained to prevent surface water discharge onto the highway.

5.3 Private Reps: 2 + site notice/0X/2R/0S. 2 objections raised by 1 neighbour on the following (summarised) grounds:

- Parking insufficient
- Additional traffic a concern
- Revised plans do not alleviate concerns
- Overbearing
- Sheer bulk will tower over
- Plans of neighbouring dwellings wrong
- Overlooking
- Trees previously felled
- Bedrooms should be reduced
- Height should be lowered

6. Determining Issues:

Principle of development:

- 6.1 The site lies within the settlement boundary of Borough Green, a rural service centre as defined by policy CP12, in which there is no objection in principle to new development. It is considered that policy CP12 is wholly consistent with the Framework in directing development towards sustainable locations within urban areas and also requiring proposals to make the most efficient use of land as set out at paragraph 122.
- 6.2 The key issues are therefore the impact on the character and appearance of the area, neighbouring amenity, highways and parking, and trees.

Character & Appearance:

- 6.3 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. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 127 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 6.4 The site is comprised of a large rear garden area and a broadly similar form of back land development can be found just two doors down at Staddleswood Place. Here 4 x semi-detached dwellings are located to the rear of the properties that front Maidstone Road, reached from a single shared access point. This represents a higher density form of back land/tandem development within the locality and is part of the established character of the area.
- 6.5 Although there is currently no back land development on the site it is considered that once completed the change in character would not be harmful given the wide variety of development patterns in and around the area. The single access point and presence of the existing large building would serve to screen the development to a degree from views along the road, as would the woodland to the rear. It is considered that the plot is wide and deep enough to accommodate additional development without the scheme appearing cramped and it is not considered that the proposal would constitute overdevelopment. In using the site more efficiently it is considered that the proposal would comply with paragraph 122 of the NPPF.

- 6.6 The design of the dwellings themselves would be to a good standard and, although not necessarily innovative, they would reflect local vernacular. Further detailed landscaping can be secured by condition and this would ensure appropriate planting and screening.
- 6.7 Overall it is considered that the scheme would not be harmful to the character and appearance of the area and the proposal would therefore comply with policy CP24 of the TMBCS, SQ1 of the MDEDPD and paragraph 127 of the NPPF.

Neighbouring Amenity:

- 6.8 In terms of impact on neighbouring amenity, third party comments are noted. However, the dwellings are angled away from the adjacent property "Tanglin", instead orientated on a slight north-west angle towards the host building. Furthermore, the closest building, plot 2, is 20m away from the corner of the adjacent neighbouring property and therefore, even taking into account changing land levels, it is not considered that any harmful overbearing or overshadowing effect would arise to the property itself.
- 6.9 Furthermore the adjacent garden is wide and deep and whilst it is noted that part of the back of the rear garden would be impacted by the proximity of plot 2 this would not be considered to compromise the reasonable enjoyment of the garden as a whole given its size, as most of the garden would remain unaffected. Boundary screening to be secured by condition will also lessen this effect.
- 6.10 The other adjacent property, number 170, is also a sufficient distance to avoid any harmful impact, with this property's rear garden more heavily wooded providing an additional buffer.
- 6.11 In terms of overlooking and privacy, the angles of the proposed dwellings away from the adjacent property Tanglin would prevent any direct overlooking into the dwelling, along with the 20m separation. Furthermore, first floor side windows have been removed from plot 2 to avoid overlooking. Plot 1 is a sufficient distance from 170 and screened by woodland to prevent any harmful overlooking.
- 6.12 Overall it is considered that the scheme would not result in any harmful impact on neighbouring amenity by reason of overshadowing or overbearing impacts or loss of privacy.

Trees:

- 6.13 The site lies adjacent to woodland and there are also a number of trees on the site. Whilst some are proposed to be removed these are not considered to have sufficient amenity value to warrant retention, whereas those that do are proposed to be retained such as the T13 Black Pine. The scheme was also revised following discussions with the Council's tree officer to increase separation distances from

adjacent woodland and to avoid pressure from future occupiers to have the trees removed or cut back.

- 6.14 Subject to the tree protection measures set out in the accompanying arboriculture reports being secured by condition, it is considered that no harm would arise to important trees.

Parking & Highways:

- 6.15 Paragraph 109 of 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. Paragraph 110 goes on to state that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.16 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.
- 6.17 Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.18 Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

- 6.19 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.20 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.
- 6.21 The aims of Policy SQ8 in requiring safe and suitable access to and from the highway are consistent with the aims of the Framework at paragraphs 109 and 110.
- 6.22 The site already benefits from an established access point and a number of similar neighbouring residential properties and their driveways are located along Maidstone Road. Whilst Parish Council and third party comments are noted, the number of vehicle movements associated with two dwellings are not significant even considering the amount of bedrooms. Furthermore, KCC (H+T) as the Council's statutory expert consultees on matters of highways safety, have raised no objections subject to conditions.
- 6.23 The test set out under paragraph 109 of the NPPF sets a high bar and in consideration of the comparatively low number of movements that two dwellings would attract it is not considered that this test would be met. As such there is no evidential basis to refuse planning permission on such grounds.
- 6.24 Furthermore the parking requirements for each property are 2 independent spaces as set out in the Council's adopted standards. At least one further space is also available within the garage.
- 6.25 Overall it is considered that there would not be any unacceptable highways impacts and parking would be provided in accordance with expected standards. As such no objections are raised under policy SQ8 of the MDEDPD or paragraph 109 of the NPPF.

5-Year Housing Supply:

- 6.26 Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing carries significant weight. This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. There are no policy designations on the site that would disengage the presumption in favour of sustainable development. Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits. As such paragraph 11(d) (ii) is not engaged and therefore the provision of

two new homes in a sustainable location carries further weight in favour of the scheme.

Conclusion:

6.27 The proposal would provide two new dwellings towards the existing shortfall within a suitable location in accordance with policy CP12. It is considered that the change in the character of the site would not be harmful given the range of surrounding development patterns and whilst outlook to neighbouring properties would change it is not considered that any harmful impacts would arise. Parking and access arrangements are also considered to be acceptable and the application is therefore recommended for approval.

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Proposed Plans and Elevations PL02 B received 05.11.2019, Sections PL04 C received 05.11.2019, Topographical Survey 12856-18 received 30.09.2019, Location Plan EX01 received 30.09.2019, Design and Access Statement received 30.09.2019, Arboricultural Assessment received 30.09.2019, Tree Plan MR/TSP/1594-01 received 30.09.2019, Tree Protection Plan MR/TPP/1594-02 received 30.09.2019, Landscaping PL05 C received 03.01.2020, Proposed Plans and Elevations PL03 C received 03.01.2020, Site Layout PL01 D received 03.01.2020, 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: In the interests of visual amenity.

3 The dwelling hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking 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.

- 4 Before the development hereby approved is occupied a detailed 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. 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: In the interests of visual amenity.

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

Reason: In the interests of amenity and privacy.

- 6 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.

(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.

Reason: In the interests of visual amenity.

- 7 Prior to the commencement of the development hereby approved, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

Informative

1. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers 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 to e-mail to 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 properties are ready for occupation.

Contact: Adem Mehmet