

**Trottscliffe
Downs**

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TM/14/02117/FL

Proposal: Demolition of Cedar Bungalow and outbuildings and erection of 2 semi-detached dwellings, landscaping and car parking
Location: Cedar Bungalow Church Lane Trottscliffe West Malling Kent ME19 5EB
Applicant: Valley Homes (Kent) Ltd

1. Description:

- 1.1 It is proposed to demolish the now dilapidated existing small bungalow at the site and to erect two semi-detached dwellings towards the frontage of the site, behind a new parking and turning area.
- 1.2 These proposals follow a fairly long succession of unsuccessful applications for residential development at this site. The proposals as now submitted are intended to overcome previous reasons for refusal, specifically in relation to impact on surrounding residential dwellings and earlier design concerns.
- 1.3 The proposed pair of semi-detached dwellings would have a continuous building frontage, although individual porch detailing is proposed for each property. The dwellings would be set back approximately 4m behind the front building line of the adjacent property (2 Trosley House Cottages). They have the typical appearance of two storey dwellings with rooms in the roof with smaller dormers. The dwellings would be located behind a new parking and turning area with the western most dwelling located some 14m north of the main frontage of the application site with Church Lane and the eastern most dwelling some 20m from the frontage of the application site.
- 1.4 Each of the dwellings would be four bedroom with a sitting room, utility, wc and kitchen/dining room at ground floor, three bedrooms with en-suite and family bathroom at first floor and a further bedroom and en-suite at second floor. Each property would have a north facing rear garden of approximately 14m in length, together with garden strip down the eastern and western sides of the pair of dwellings. The rear gardens would be mainly laid to lawn and separated by close boarded fencing.
- 1.5 The proposed pair of dwellings would be of traditional appearance with brickwork at ground floor level above a ragstone plinth, plain clay tile hanging to the first floor elevation and plain clay tiles/fittings to the roof. Each dwelling would have a brick chimney and there would be two hipped roof dormers on the front (south) and a single hipped roof dormer and roof light on the rear (north) elevations. It is proposed that white aluminium windows and timber doors are used throughout, although all external materials proposed at this stage are indicative and would be subject to future approval as part of an appropriately worded planning condition.

- 1.6 The application site sits on an elevated position, ranging approximately 1 – 1.5 metres above the level of Church Lane. Although exact finished floor levels of the proposed dwellings have not been indicated on the submitted plans, it has been confirmed that the overall ridge height of the pair of dwellings will sit at a level no higher than the ridge height of the main roofs of the pair of semi-detached dwellings immediately to the west (1 & 2 Trosley House Cottages).
- 1.7 Vehicular access would be provided to the site via the existing access to the site. Two parking spaces would be provided for each property, together with an additional visitor parking space. A new turning area would be provided in front of the new dwellings, between them and the front boundary of the application site with Church Lane. Pedestrian access would be from Church Lane and an informal access track would be located to the east of the new dwellings to provide access to land owned by the applicant to the rear (north) of the application site.
- 1.8 Owing to the level change on the frontage of the application site with Church Lane, it is proposed that a landscaped bank is created, planted with a number of native and specimen trees, low level shrubs and hedging. The final specification for this bank, which potentially could include a low level section of retaining ragstone walling, is yet to be determined, and would be the subject of further approval as part of a planning condition requirement.
- 1.9 The application is accompanied by an Ecological Appraisal, a Topographical Survey and a Desk Study in respect of potential contamination.

2. Reason for reporting to Committee:

- 2.1 In the general public interest owing to the planning history of the site and the local concerns raised.

3. The Site:

- 3.1 The application site is located within the confines of Trottiscliffe and within the Trottiscliffe Conservation Area (CA). The eastern boundary of the application site also comprises the boundary of the settlement with the Metropolitan Green Belt as well as defining the extent of the CA. The site and surrounding area lies within the Kent Downs Area of Outstanding Natural Beauty (AONB) and a water gathering area.
- 3.2 The application site comprises a broadly rectangular site located on the northern side of Church Lane. It is presently occupied by a relatively small and dilapidated single storey wooden bungalow, located within the southern part of the site, in relatively close proximity to the western boundary of the site. It is surrounded by a small curtilage, broadly denoted by existing mature coniferous trees. Immediately to the north of the curtilage are located the dwarf walls of what appears to be the remnants of horticultural glasshouses. To the north of this is positioned a low metal clad building seemingly used for the storage of agricultural equipment.

TM/13/00075/FL Refuse 16 April 2013

Demolition of detached dwelling and outbuildings and erection of 3 detached dwellings and associated works

TM/13/00076/CA Refuse 16 April 2013

Conservation Area Consent: Demolition of detached dwelling and outbuildings

TM/13/00077/FL Refuse 16 April 2013

Demolition of detached dwelling and outbuildings and erection of 2 detached dwellings and associated works

TM/13/00078/CA Refuse 16 April 2013

Conservation Area Consent: Demolition of detached dwelling and outbuildings

TM/13/03625/FL Refuse 30 May 2014
Appeal in Progress

Demolition of Cedar Bungalow and outbuildings and erection of 3 terraced dwellings, landscaping and car park

5. Consultees:

- 5.1 Trottiscliffe PC: The PC considers the new application to be a great improvement on previous applications for this site, although there are still concerns relating to the height of the building and its impact on both the street-scene and the neighbouring properties. They would therefore like confirmation that the proposed ridge height is no higher than that of adjacent properties, as submitted plans give no indication of this.

The Members also queried whether there was a possibility of moving the development a little further to the east, giving as much space as possible between the new homes and 2 Trosley House Cottages.

Members would also like confirmation that windows on the western elevation would be frosted and fixed, so as to prevent overlooking of neighbours.

- 5.2 KCC (Highways): Subject to the provision and permanent retention of vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, has no objections to the revised proposals.
- 5.3 KCC (Archaeology): Has no comments to make on these proposals.
- 5.4 Environment Agency: No objection, subject to advice relating to groundwater protection and the implementation of a suitable sustainable drainage scheme.

5.5 Private Reps: 16/0X/2R/0S + site and press notice. The following concerns have been expressed to the initial and amended proposals:

- The two dwellings are too big and too imposing for this site. Being three storeys high, they would overlook and over-shadow the row of cottages [1-4 Pine Cottages] opposite owing to their third storey height;
- Inadequate parking for such a large development – all other properties nearby have substantially more parking, most with garages;
- The bank between the parking area and Church Lane should be constructed with a solid barrier (i.e. a Kent Rag Stone wall) to prevent unnecessary car headlight illumination of 1-4 Pine Cottages opposite; and
- Proposed dwellings would not be aesthetically in-keeping with neighbouring properties.

6. Determining Issues:

6.1 In considering applications it is necessary to decide them in accordance with the Development Plan unless other factors indicate otherwise. In this respect the more growth orientated character of the NPPF, published in March 2012 as national Government policy, has to be taken into account. Where appropriate, the effect of the NPPF is reflected in the analysis below.

6.2 Policy CP1 of the TMBCS sets out the Council's overarching policy for creating sustainable communities. This policy requires, *inter alia*, that proposals must result in a high quality sustainable environment; the need for development will be balanced against the need to protect and enhance the natural and built environment, and preserve, or where possible enhance, the quality of the countryside, residential amenity and land, air and water quality; *where practicable*, new housing development should include a mix of house types and tenure and must meet identified needs in terms of affordability; and development will be concentrated at the highest density compatible with the local built and natural environment mainly on Previously Developed Land (PDL).

6.3 Policy CP13 of the TMBCS allows for the redevelopment of a site within the confines of an 'Other Rural Settlement' such as Trottiscliffe. Redevelopment will be permitted under this policy if there is some significant improvement to the appearance, character and functioning of the settlement; or justified by an exceptional local need for affordable housing.

6.4 Policy CP24 of the TMBCS relates to achieving a high quality environment. This policy requires that development must be well designed, be of a suitable scale, density, layout, siting, character and appearance to respect the site and its surroundings.

- 6.5 The site is within the confines of the CA and the AONB. Policy CP7 of the TMBCS requires development to not be detrimental to the natural beauty of the AONB, whilst Policies CP1 and CP24 of the TMBCS, Policy SQ1 of the MDE DPD and paragraphs 17 and 56 to 66 in the NPPF require development to be of a high standard of design and to reflect the character of the area.
- 6.6 In terms of the impact on the CA it is also necessary to refer to paragraphs 131, 132, 133 and 137 of the NPPF; these outline the importance of heritage assets that includes conservation areas. It is outlined that development that leads to substantial harm to a heritage asset should be refused unless it can be justified that the harm is necessary to achieve substantial public benefits that would outweigh the harm. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably. The statutory requirement to give special consideration as to whether a development proposal will preserve or enhance the character and appearance of a Conservation Area is furthermore set down in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.7 MDE DPD Policy SQ8 states that, *inter alia*, 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. In this context the NPPF has a significant bearing; it is now clear that the nationally applied test in terms of highways impacts is that an impact must be “severe” in order for the Highways and Planning Authorities to justifiably resist development on such grounds – KCC raises no objections on such matters. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document. In this instance, the adopted parking standards are set out in Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (IGN3) and are met.
- 6.8 Paragraph 17 of the NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The site of the existing dwellinghouse (Cedar Bungalow) is considered to be Previously Developed Land (PDL); however, residential garden land is excluded from the definition of PDL within the NPPF. Accordingly, the grounds of Cedar Bungalow (i.e. its immediate curtilage) are not considered to be PDL. However, this simply means that a “presumption in favour” of redeveloping the PDL elements of the site (as was the case with earlier policy positions adopted by an earlier Government) no longer applies. Current policy does not amount to an embargo on the development of gardens and each case must be judged on its particular merits.
- 6.9 The currently proposed scheme has aimed to overcome the main reasons for refusal of a succession of unsuccessful applications on this site [*the most relevant planning history is set out in paragraph 4 above*]. To this effect, the applicant has sought to reduce the number of units from 3 to 2, thereby increasing the overall

distances of the new built development to surrounding residential dwellings. The scheme has sought to maintain the same external design/appearance of the previously refused scheme which was considered to be acceptable in this locality.

- 6.10 The pair of semi-detached dwellings is proposed to be well set back from Church Lane (ranging between 14m in the west and 20m in the east). The reduction in the number of units within the application site, despite their slight increase in the size of the units, has resulted in greater separation space between surrounding existing dwellings, notably 2 Trosley House Cottages to the west of the application site. The western most flank elevation of the new dwellings would be located approximately 5.2m from the boundary with 2 Trosley House Cottages, whilst the eastern flank elevation would be some 6.5m from the boundary with Cheviots. The front (south) elevation of the dwellings would be located at distances ranging between 25 – 29m from the front (north) elevations of No's 1-4 Pine Cottages, although it should be noted that this distance is separated by the proposed car park/turning area and Church Lane itself. In my opinion, such distances would be entirely appropriate to this particular location within the rural settlement confines of Trottiscliffe.
- 6.11 Turning next to the impact of the proposals on the residential amenity of surrounding properties, specifically whether the previous 'overbearing' impact on 2 Trosley House Cottages has been overcome, I note that the western flank elevation has been 'pulled back' into the site through a reduction in the number of units within the scheme. Whilst I accept that a flank elevation still exists this, at a distance of just over 5m from the common boundary, together with the stepped nature of the rear elevation (i.e. it is not all 2.5 storeys in height) leads me to the opinion that this scheme would not give rise to an undue amenity impact to justify refusal on such grounds. The distance to the conservatory of No. 2 Trosley House Cottages has increased to approximately 9m in this scheme compared to approximately 4m in the previous 2013 scheme now at appeal.
- 6.12 Whilst I note that several windows are proposed at first floor level on the western flank elevation, these would serve an en-suite and a family bathroom and would therefore be obscure glazed. Nevertheless, I consider it reasonable to impose a condition requiring obscure glazing of these windows as part of any approval.
- 6.13 In terms of the loss of the existing Cedar Bungalow dwelling, Paragraph 136 of the NPPF requires LPAs to not permit the loss of heritage assets without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. I am satisfied that the existing dilapidated bungalow has limited heritage merit, but relates to the rural character of the Trottiscliffe Conservation Area. However, in the event that a suitable scheme was proposed for the site, I do consider that the loss of the existing building could be justified.

- 6.14 I am aware that there is not a consistent design or form of dwellings within this part of Trottiscliffe. The wider Trottiscliffe Conservation Area takes in both the historic core of the village and adjoining areas which contribute to its character. The designated area as a whole, therefore, includes a mix of building types and ages as well as a variety of materials. In the vicinity of the application site, building types comprise detached houses, which tend to be fairly substantial in scale and individual in design, together with more modestly scaled cottages in pairs or short terraces. I note that there is no consistent building line along Church Lane and the layout and spacing of buildings is varied. Architectural styles also vary and most properties have more than one external wall finish which gives a richness of colour and texture.
- 6.15 The application proposal would create a pair of semi-detached dwellings well set back from the Church Lane frontage behind a car parking area and a landscaped bank. The ground levels of the new dwellings would be raised above Church Lane which, together with their siting, would make the houses fairly prominent in the street scene. That said, the new dwellings would not appear dissimilar in overall height terms to that of the adjoining pair of semi-detached dwellings to the west (1 – 2 Trosley House Cottages), owing to the proposed roof ridge height of the new dwellings sitting at a height no greater than that of the main roof ridge of 2 Trosley House Cottages.
- 6.16 The pair of semi-detached dwellings would be of a traditional appearance, with a mix of brickwork, plain clay tile hanging and plain clay roof tiles. Other traditional detailing would include brick chimneys, a variety of front porches and a low level ragstone plinth. Overall, I consider that the design approach and traditional detailing to be appropriate for this Conservation Area setting. The use of a planning condition could sufficiently control external materials of the dwellings, including appropriate window and door joinery details and to control the eaves and dormer construction details to ensure it is in keeping with the rural character.
- 6.17 The proposals involve a car parking area in front of the new terrace which would provide five vehicle spaces; two for each dwelling and a further visitor space. Given the level change of some 1 – 1.5 metres between the application site and Church Lane, the application proposes a landscaped bank at the front of the site, planted with a mix of trees, hedging and low level shrubs. I consider that the detailing of this bank will form an important part of ensuring that the proposed development fits in well with the street scene. On the basis that full details of this bank have not been provided at this stage, I consider that the use of a planning condition could appropriately control the specific details of this important bank feature for later consideration.
- 6.18 For the reasons outlined above, I am of the opinion that the proposals would comply with TMBCS Policies CP1, CP13 and CP24, together with MDE DPD Policy SQ1 which require proposals to protect or enhance the historic environment and, through their scale, layout and materials, respect their surroundings. I am

also of the opinion that the scheme would accord with paragraph 131 of the NPPF which requires proposals in Conservation Areas to preserve or enhance the character of the area.

- 6.19 The development proposals put forward make use of the existing highway access from Church Lane to the existing Cedar Bungalow dwelling and land owned by the applicant further beyond (to the north). As outlined above, it is proposed that a car parking area of 5 spaces is proposed to the frontage of the site; two for each unit and an additional visitor space. As detailed above, the proposals meet the Council's adopted car parking standards with the added benefit of the visitor space.
- 6.20 Whilst I note the local concerns raised regarding the surrounding local road network, in light of no technical objections to the scheme from the Highway Authority on either a capacity or safety perspective, advice which is given, of course, in the context of paragraph 32 of the NPPF (as outlined above), I am of the view that there are no overriding highway grounds to justify the refusal of planning permission in this instance. In accordance with paragraph 32 of the NPPF and in light of the above considerations, I am satisfied that the residual cumulative transport impacts of the development are not severe and therefore there are no overriding or justifiable grounds to refuse the proposals on transport grounds.
- 6.21 The application site is not of such a size that would trigger the requirement for affordable housing as required by Policy CP17 of the TMBCS. Owing to the size of the site and the requirements of the policy framework, it would be unreasonable to request an affordable housing contribution in this instance.
- 6.22 The application is accompanied by a Preliminary Ecological Appraisal for the site which concludes that, subject to the implementation of recommendations in respect of protecting slow worms and nesting birds during the construction phase, together with recommendations regarding lighting (for bats) and habitat enhancements, the proposal should not materially harm protected species. Having regard to the standing advice for protected species, I consider that any ecological matters could be reasonably secured by condition which would comply with Policy NE3 of the MDE DPD and paragraphs 117 and 118 of the NPPF.
- 6.23 A number of other important technical matters such as soft landscaping, contamination, refuse facilities, boundary fencing, external lighting, site drainage and finished floor levels can all be dealt with by appropriately worded planning conditions.
- 6.24 Having considered the application in light of Development Plan Policy, planning policy guidance and in respect of other material planning objections received, I consider the proposed scheme of two semi-detached dwellings has overcome the previous reasons for refusal, resulting in a scheme which would be acceptable in the context of this rural settlement and would respect the site and its surroundings.

Furthermore, I am satisfied that the scheme is acceptable and would result in no unacceptable or overriding harm to the historic fabric of the area. I therefore recommend that subject to the detailed planning conditions, as set out below, planning permission is granted for this redevelopment scheme.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 19.06.2014, Other APPLICATION CONTENTS SHEET dated 19.06.2014, Notice dated 19.06.2014, Design and Access Statement dated 19.06.2014, Photographs APPENDIX A dated 19.06.2014, Photographs APPENDIX C dated 19.06.2014, Statement AFFORDABLE HOUSING dated 19.06.2014, Ecological Assessment dated 19.06.2014, Desk Study Assessment dated 19.06.2014, Floor Plan 2916 6 dated 19.06.2014, Elevations 2916 7 and site plans dated 19.06.2014, Topographical Survey ZET/CEDAR/001 dated 19.06.2014, Photographs APPENDIX B dated 19.06.2014, Email dated 22.07.2014, subject to the following:

Conditions / Reasons

- 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 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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 No development shall take place until details of any joinery, eaves and dormer construction to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.
- 4 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of

similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 5 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking and turning 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 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 6 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 7 No building shall be occupied until the gardens between the plots have been fenced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such fencing shall be retained thereafter.

Reason: To retain and enhance the character of the locality.

- 8 There shall be no external lighting except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

- 9 No building shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site, in accordance with a scheme approved by the Sewage Undertaker and Building Regulations, to serve the development hereby permitted.

Reason: In the interests of pollution prevention.

- 10 No development shall take place until details of proposed finished floor, ridge and eaves levels of buildings and ground levels within the application site have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved level details.

Reason: In order to control the development and to ensure that the development does not harm the character and appearance of existing buildings or the visual amenity of the locality.

- 11 No development shall take place until engineering details of the proposed bank fronting onto Church Lane have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved bank details.

Reason: In order to control the development and to ensure that the development does not harm the character, appearance or the visual amenity of the locality.

- 12 The first floor windows on the western flank elevation of House 1 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This works shall be completed before each respective dwelling is occupied and shall be retained thereafter.

Reason: To minimise the potential for overlooking onto adjoining property.

Informatives:

- 1 Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. In addition, the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 2 During the demolition and construction phases, the hours of working (including deliveries) shall be restricted to the following times; Monday to Friday 08:00 hours - 18:00 hours; Saturday 08:00 hours - 13:00 hours; and no work on Sundays, Bank or Public Holidays.
- 3 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited 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: Julian Moat