

Plaxtol
Borough Green and
Long Mill

15 March 2023

TM/23/00550/FL

Proposal: Demolition of existing single storey double garage and erection of new detached 2 storey dwelling with rooms in roof and associated external works.

Location: 1 Bourne Vale Plaxtol Sevenoaks Kent TN15 0QT
Go t/o: [Recommendation](#)

1. Description:

- 1.1 The planning application comprises the subdivision of 1 Bourne Vale and erection of a detached dwelling to east of the existing dwelling. The works include the demolition of the existing side single storey detached double garage.
- 1.2 The submission is for a two storey dwellinghouse with two rear dormer windows and two front rooflights to provide a three-bedroom residential unit on site.
- 1.3 The proposed new build would measure approx. 10.5m deep, which would be in line and does not project beyond the existing front building lines of adjoining properties 1A (east) and 1 & 2 (west), other than the front bay window to the kitchen and the porch canopy by a minimal amount. The dwellinghouse would project a further 3m beyond the existing edge of the rear elevation of adjoining properties to the west and 1.15m deep to the east. With overall width of 6m wide.
- 1.4 The property has an overall height of 8m with pitched/flat tiled roofs. It should be noted that the existing ground level slopes up from east to west. This results in a stagger to the roof line of the proposed dwelling and those either side within the street scene. The proposed ridge height and eaves height would be approximately 1m and 0.3m respectively lower than those at nos.1 and 2, adjacent to the west. These would be approximately 1.1m and 0.44m respectively higher than those at no.1a to the east.
- 1.5 The new build retains a gap of at least 1.5m on either side flank elevations to the east and west boundaries of the site.
- 1.6 A total of 48.2sqm of private rear amenity space would be provided on site. This comprises of 21.8sqm of decking area (500mm high below ground level) and 26.4sqm of rear garden area.
- 1.7 Curtilage parking is proposed – two spaces to serve the proposed dwelling. It should be noted that there are two existing front car parking spaces to the front of no. 1 Bourne Vale.

1.8 The proposal also includes a single storey rear garden shed approx. 3m deep and 2m wide (southeast) to provide a secure cycle storage. A 1.8m high close board fencing around the red boundary around the site. however, this would vary in height, as the existing ground level slopes down from front to rear (north to south).

2. Reason for reporting to Committee:

2.1 At the request of Councillors Wendy Palmer, Mike Taylor, Tim Shaw and James Lark on the planning grounds that the proposal would be “over development, density. The present infrastructure is already failing with sewage flooding the gardens”.

3. The Site:

3.1 The host dwelling is semi-detached, with a single storey side double detached garage (east) located on the southern side of Bourne Vale. The new dwellinghouse would be sited in between 1A (east) and 1 & 2 (west) Bourne Vale. The rear garden backs onto the side boundary of Gaisford, off the Street to the south of the development. A Scots Pine tree is located within the curtilage of Gaisford close to the shared boundary which is not covered by a TPO.

3.2 The site lies within the other rural confines of Plaxtol. Bourne Vale is a residential street, mixed of semi-detached and detached dwellings, where the gaps have been infilled with residential units and extensions to the west and east elevations of a number of properties within the cul-de-sac.

3.3 The site is located within Area of Outstanding Natural Beauty (AONB) and is located within a low flood risk area (1a). There are no TPOs trees or areas located within the application site.

4. Planning History (relevant):

TM/47/10132/OLD grant with conditions 10 January 1947

Layout for four flats in lieu of two cottages.

TM/11/01561/FL Approved 27 July 2011

Demolition of existing garden shed and erection of replacement.

5. Consultees:

5.1 TMBC Environmental Pollution (EP): The Council’s EP department was consulted on this application and recommended that during demolition and construction phases

that hours of noisy works should be restricted to Mondays to Saturdays only and no bonfires on site. If planning permission is granted the informatives could be imposed to remind the applicant of these details recommended by the Council's EH officer.

5.2 TMBC Contaminated Land (CL): No comments.

5.3 TMBC Waste Services (WS): No comments subject to meeting the guidance notes on file (see waste section of this report for full comments and assessment).

5.4 Southern Water (SW): Comments have been received from Southern Water 14.09.23 stating the following:-

- Southern Water would require a formal application to be made for a connection to the public foul sewer by the applicant or developer;
- Advise that Building Control officers should comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- It is possible a sewer not deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

5.5 If planning permission is granted, informatives would be imposed to advise the applicant of these matters, which sit outside of planning legislation, and to advise that these be addressed before any works are to commence on site. Southern Water are not a statutory consultee for this application, however, given concern raised from neighbours they were consulted to confirm the potential impact upon services.

5.6 TMBC Tree: No objections. See relevant sections of this report for full comments and assessment.

5.7 Parish Council: Letter of objection summarised as follows:

- Overdevelopment of the site, resulting in a density totally out character with, and detrimental to the locality.
- Overbearing effect on neighbouring properties.
- Parking congestion.
- Water drainage issues would increase.
- Increase in light pollution from the proposed rooflights and dormer windows, which are out of keeping with the other properties.

- The large Scots Pine tree rear of the site would suffer damage to its root system by these proposed works.

5.8 4 neighbours were consulted on the application and 22 objection letters were received. The objections can be summarised as follows:

- Concerns of the drainage over split as result of an additional residential property. Strain on the existing main services, electric, water and sewerage.
- The roots of the tree in the adjoining garden to the back of the proposed property would suffer damage. If damaged could weaken an already dangerous tree especially as been shedding into their garden. If weakened it would flatten their house if it fell. Trees in the area with TPO's would be affected by the proposed development.
- Overdevelopment. The building itself is not in keeping with other properties in the road. Sufficient gaps are not retained to the adjacent properties.
- Parking congestion/damage to the road as result of the large delivery lorries entering and existing the site. Traffic hazard.
- Major concerns relate to access for emergency vehicles, fuel supplies and council waste management services.
- Access into Bourne Vale should be a priority, always accessible, safe and convenient.
- Privacy issues and obstruction of their current views.
- No site notice posted around the area.
- Loss of garden space

6. Determining Issues:

Principle of Development:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it 'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.
- 6.2 The site lies within other rural confines of Plaxtol, where Policy CP13 of the Core Strategy will apply. Policy CP13 requires that development will be concentrated

within the confines of other rural confines including Plaxtol. The proposal would therefore comply with the requirement of CP13 and be acceptable in principle.

- 6.3 The Council cannot presently demonstrate a five year supply of housing when measured against its objectively assessed need (OAN). In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 d) of the NPPF, much of the development plan is out of date for the purposes of determining applications for new housing development. The tilted balance in this case is therefore engaged and so the application should be granted permission unless it is a protected area (MGB and AONB are such areas) or by the harm caused by the application significantly outweigh its benefits.
- 6.4 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 of assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.5 Footnote 7 provides a list of those policies that relate to protected areas and assets of particular importance. These include the green belt and areas of outstanding natural beauty. It must therefore firstly be established whether the proposal is acceptable in terms of any impact on the area of outstanding natural beauty, in order to determine whether the presumption in favour of sustainable development applies.

Area Outstanding Natural Beauty (AONB) considerations under 11 d (i):

- 6.6 The application site also lies within an Area of Outstanding Natural Beauty. Policy CP7 sets out that development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest.
- 6.7 Paragraph 176 of the NPPF is the most relevant national policy and sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. It continues that the scale and extent of development within these designated areas should be limited.
- 6.8 The applicant argues that the proposal is of an appropriate scale and the extent of the development, which would not have a significant impact on the overall open appearance of the landscape and scenic beauty of the AONB, is consistent with the aims of National Policy and the Development Plan. The Council would agree with the applicant as the new dwelling would be infilling a space rather than encroaching elsewhere into the AONB. The new dwelling would conserve the AONB, as the development proposal has been designed to sit alongside the local housing styles within the area. The new dwelling would be of similar footprint, height, bulk and

massing at two storeys in height, which would match and be in keeping with the existing cul-de-sac (mixed of 2/3 storey semi-detached or detached properties).

- 6.9 Therefore, there is no clear reason to refuse the development in accordance with paragraph 11 d (i) of the NPPF with regard to impact upon the AONB.
- 6.10 After carrying out the 11(d)(i) exercise and subsequently concluding that there are no “restrictive policies” in the NPPF which provide a clear reason for refusal, the application must therefore be considered against paragraph 11(d)(ii) of the NPPF and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, which are discussed below.

Design, character and appearance:

- 6.11 Policy CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:

“All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.”

“Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.”

- 6.12 Policy SQ1 of the MDE DPD is also relevant to design and requires that:

“1. Proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.

2. All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.”

- 6.13 Paragraph 130 of the NPPF details that:

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are 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);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;...”

6.14 Paragraph 134 of the NPPF is also relevant and sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.15 The National Design Guide 2021 sets out the characteristics of well-designed places and demonstrates what good design means in practice. It forms part of the government’s collection of planning practice guidance and was intended to be read alongside the separate planning practice guidance on design process and tools. Paragraph 56 of the National Design Guide states that:

6.16 “Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area;
- drawing upon the architectural precedents that are prevalent in the local area including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places, with particular attention to how buildings meet the ground and sky;

- creating a positive and coherent identity that residents and local communities can identify with.”

- 6.17 In terms of design the proposal seeks to provide a two-storey detached property with two rear dormer windows. The roof would be pitched with a small flat area at the ridge with two flat roofed rear dormer windows (set in/down from the main ridge and eaves level). The architectural style has been developed to sit alongside and match the neighbouring houses in the cul-de-sac. That being predominantly traditional red brick and clay or concrete tiled dwellings. The design and access statement indicates that the external materials would be a traditional red multi blend brickwork and clay roof tiles. The windows and doors would be white UPVC with aluminium bi-fold doors to the rear elevation and the entrance porched would be timber framed. This outlines that the dwelling would be of matching brickwork to that of the existing neighbouring dwellings, as would the proposed tiling within the cul-de-sac.
- 6.18 The siting of the dwelling respects the existing building line created by the adjacent properties and does not project beyond the front of these adjacent dwellings, other than the minimal projection of the bay window and porch canopy roof. The proposed two storey building would retain gap of at least 1.5m from the side flank elevations to the adjoining properties to the west and east. The new build would have a lower ridge line than that of the host dwelling adjacent to the west, nos.1 and 2, but slightly higher than that of no.1a to the east. The dimensions are mentioned previously in paragraph 1.4. The infill development of this new build would in itself create a subservient development and would not create a terracing effect due to the retained visual gaps between the adjoining properties to the west and east, ensuring the visual continuity of dwellings which is apparent elsewhere in the cul-de-sac. As such, the rhythm of the street-scene would not be harmed as a result of the proposed development.
- 6.19 A total of 48.2sqm of private rear amenity space would be provided on site, not dissimilar in area to those of similar sized dwellings nearby. This space would comprise of 21.8sqm of decking area (500mm high below ground level) and 26.4sqm of rear garden area.
- 6.20 Bourne Vale is characterised by housing, mixed of semi and detached properties, which vary in scale of 2/3 storey. Officers considered that the overall bulk and scale of the dwellinghouse by infilling the gap would be in keeping with the street scene, character and appearance of the surrounding area. It is noted that other infill development has been erected or approved in the street at nos. 1A, 5A, 8A and 9A Bourne Vale, but the most recent approval is Plot 1 Land Adjoining 7 And 8 Bourne Vale (8A) under ref. TM/09/01996/OA and approved details under ref. 11/02324/RD. There are other similar spacings evident in the wider area and a number of extensions in the immediate street scene at nos. 3 & 4, 10, 11 and 12 Bourne Vale.

- 6.21 It is considered that as result of these developments erected or approved, the original intended form and arrangement of Bourne Vale has since been somewhat eroded. As such, the original visual gaps between dwellings have already been reduced to varying degrees.
- 6.22 Given the above, the principle of a residential unit in the area can be supported on character and appearance grounds as the character and appearance of the original development has already been eroded, and the proposed design and materials will mean that the proposal would not be considered detrimental to the local distinctiveness of the area.
- 6.23 The central siting of the dwelling within the plot ensures that the development doesn't give rise to a terracing effect or the impression of overdevelopment. On balance, the siting, scale, form, materials and layout are considered acceptable, which would not appear out of character for the area or the wider locality to warrant refusal on design, scale or overdevelopment grounds. The proposed design would be appropriate for the character of the area and would not detract from the street scene or create any impact on character and appearance of the AONB.
- 6.24 It is therefore considered that a refusal of this proposal could not be justified on scale, massing, design, overdevelopment or density grounds, or in relation to a harmful impact on the wider street scene.
- 6.25 The application therefore accords with the relevant development plan policies and the NPPF in this regard.

Standard of accommodation

- 6.26 The house if assessed against the National Technical Housing Standards all generally have adequate room sizes in terms of floor area, room width, ceiling heights and in terms of Gross Internal Floor Area (GIA) – new Plot is 129sqm for a 2/3 storey 3 bed 6-person dwelling, although the new build is two storeys with loft accommodation at roof level. The total GIAs for the proposed dwelling would exceed the National Standards for 102/108sqm 2/3 storey 3 bed 6-person dwelling. It should be noted that the Council does not have up to date adopted housing spatial standards of its own.
- 6.27 The dwelling has usable garden space. The dwelling will have adequate aspect and where outlook or privacy could be affected by the proximity of another house, the layout of the development reflects that the adjoining houses have been orientated to present only a few modest openings to the neighbour. It is therefore considered that the proposed development would provide an acceptable level of accommodation.

Highway safety and parking provision:

- 6.28 Policy SQ8 of the MDEDPD sets out a number of criteria in terms of road safety and parking. Of relevance to this application are:

“2. 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.”

“4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.”

6.29 Paragraph 111 of the NPPF outlines 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.”

6.30 The NPPF at paragraph 112 goes on to advise 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.”

6.31 Kent Highways document IGN3 sets out the adopted standards for parking provision across the Borough.

6.32 On 18th November 2014, the Planning and Transportation Advisory Board of Tonbridge and Malling Borough Council decided to adopt a slightly revised approach to the use of IGN3 when dealing with residential planning applications. The decision taken was that garages (and car barns unless the right to enclose them for use as storage is simultaneously removed by condition) would not form part of the supply-side in any parking provision calculation, irrespective of siting.

6.33 In August 2021 Tonbridge and Malling Borough Council released a position statement in relation to the use of IGN3. In summary, this outlined that the Council

would afford substantially less weight to IGN3 when assessing planning applications. This is because it was considered that the evidence base which determined the number of parking spaces required for each dwellinghouse dated back to 2001 Census data and was therefore out of date. It was also considered that the standards were not privy to the latest national policy (the NPPF and associated material considerations such as the National Design Guide). Therefore, assessments as to these aspects of proposed parking schemes would be focused on the following:

- Individual detail of the development in question;
- Site-specific circumstances; and
- Prevailing locational characteristics of any given case.

6.34 As such, it is accepted that IGN3 is now an aged document and associated evidence base, which means substantially less weight should be afforded to the standards it prescribes. It should be noted that IGN3 still remains a material planning consideration, albeit it carries less weight.

6.35 The application proposes 2 off-street parking spaces and electric charge point. The existing driveway would be replaced with a resin bonded gravel surface and side concrete paving paths to be laid to the side of the property. The adopted parking standards requires that at least 2 off street parking space should be provided for 3-bedroom flats/house.

6.36 It should be noted the existing access arrangement already exists at the adjoining properties nos. 1 and 2 where two existing off-street parking spaces would be retained on site. If planning permission is granted a condition could be imposed to secure a total of 2 off-street parking spaces.

6.37 Given the above, although the garage is being demolished, this would not leave the host dwelling with insufficient parking provision, as set out above. As such, the host property would retain a satisfactory level of parking both according to the adopted parking standards and at a level considered suitable for the area. Therefore, the proposal will not result in a significant adverse impact on parking provision to warrant a reason for refusal on this occasion as the proposal would not result in hazardous on-street parking.

6.38 In addition, the application property has sufficient off-street parking for such a size of dwellinghouse within this area, being two spaces to serve the three-bedroom dwellinghouse.

6.39 The development will adhere to the highways and parking design guidance within paragraph 112 of the NPPF and the development will not result in an unacceptable impact on highway safety, or cause residual cumulative impacts on the road network, in accordance with paragraph 111 of the NPPF.

6.40 Accordingly, the development will comply with the adopted parking standards and current position in relation to parking, therefore adhering to Saved Policy P4/12 of the TMBLP 1998, Policy SQ8 of the MDE DPD and paragraphs 111 and 112 of the NPPF.

Neighbouring amenity/amenity for future occupiers:

6.41 *In relation to the impact of development upon residential amenity, policy CP24 of the TMBCS states:*

“Development which by virtue of its design would be detrimental to... amenity... will not be permitted.”

6.42 Additionally, paragraph 130 (f) of the NPPF advises that planning policies and decisions should ensure that developments:

“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...”

6.43 The Council’s Environmental Protection officer was consulted on this application and recommended that during demolition and construction phases that hours of noisy works should be restricted to Mondays to Saturdays only and no bonfires on site. If planning permission is granted the informatives could be imposed to remind the applicant of these details recommended by the Council’s Environmental officer.

6.44 Officers considered that there is no evidence that there would be increase in light pollution as result of the two front rooflights and the rear dormer windows. Furthermore, concerns have not be made by the Council’s EP officer. The introduction of such windows and the resultant domestic level of light that would be created is not unreasonable for a residential road or this nature.

6.45 It should be noted that Meadowvale, Shorehill, West View and 1 Shrubshall Meadow, off Long Mill Lane are sited more than 37m away from the application site (further northeast). It should also be noted that nos. 3, 5, 10, 11 and 12 Bourne Vale are sited further west and to the north.

6.46 As such, when comparing the existing to the proposed situation, officers considered that the proposed development would not cause unacceptable amenity issues to these local residents, to such a degree as to warrant a reason for refusal.

6.47 The nearer residential properties are no. 1A (east), 1 & 2 (west) and side elevation of Gaisford, Long Mill Lane (south).

6.48 All habitable windows are north and south facing to the proposed new build at ground, first and loft floor levels. One obscured glazed en-suite window and two landing/staircase windows are proposed to the side east flank wall at first and second floor levels. One of the rear dormer windows would be obscured glazed. Also, the

ground floor front WC and first floor front en-suite windows would be obscured glazed (north).

- 6.49 All flank side windows which are at first and second floor levels are secondary windows, if planning permission is granted, a condition could be imposed that en-suite and landing windows are obscured glazed to safeguard local residents from any privacy or overlooking issues.
- 6.50 It is considered that there would be no harmful loss of privacy or overlooking issues to the adjoining neighbours to the west or east or north. It is also considered that rear facing windows facing south would retain a gap of approximately 8.6m to the rear garden boundary with rear garden of Gaisford to the south. These windows to the rear do not directly face the most used part of the rear garden serving Gaisford, and in addition to this the view would be obscured by existing trees and overgrown shrubs to the side boundary of Gaisford, Long Mill Lane (south). Were these trees and shrubs to be removed at any point it is the view that the distance of approximately 8.6m is sufficient alone to protect the amenity of Gaisford as they do not directly face the area immediately to the rear of the property. There are windows in the rear of the adjacent dwellings, 1 and 1a which face the garden to Gaisford so the proposal does not introduce a new relationship, just one that means the new rear facing windows would be slightly closer than existing (due to the deeper footprint), but still in my view, a sufficient distance to prevent undue harm by way of overlooking.
- 6.51 Similarly, no loss of daylight/sunlight or outlook is envisaged due to the siting of the adjacent dwellings to the east and west. In addition, the applicant has shown the BRE 45 degrees line in terms of sunlight and daylight to the adjoining properties to the east and west and both pass the BRE sunlight and daylight test. Furthermore, each rear dormer is set down/in from the existing ridge and eaves of the host building.
- 6.52 In addition, the new two rooflights sited in the front roofslope to the north would not create any direct overlooking or loss of privacy issues, due to their position within the roofslope. They are positioned above eye level and afford views of the sky when open rather than direct line of sight to the opposite dwelling. They would not create a more harmful relationship in terms of views between facing front windows than exists at present within the street.
- 6.53 It is acknowledged that proposed dwelling would project a further 3m deep beyond the existing rear elevation of nos. 1 and 2 Bourne Vale (west), with a gap to flank elevation and side boundary of nos.1 and 2 of 1.5m. Due to the degree of separation from the boundary with nos. 1 and 2 and the pitched roof of the proposed dwelling with an eaves height of 5m, it is not considered that the rear projection of the new build would have a detrimental impact on the residential amenity of this property in terms of loss of daylight or sunlight. As mentioned above the 45 degree rule is

complied with in this regard. Furthermore, the closet windows within the rear elevation of no. 1 and 2 are set away from the shared boundary.

- 6.54 It is acknowledged that proposed dwelling would project a further 1.5m deep beyond the existing rear elevation of no.1a Bourne Vale (east), with a gap to the flank elevation of no.1a of 2.2m. Due to the degree of separation from the boundary with no. 1a with the pitched roof of the proposed dwelling with an eaves height of 5m, it is also not considered that the rear projection of the new build would have a detrimental impact on the residential amenity of this property in terms of loss of daylight or sunlight. As mentioned above the 45-degree rule is complied with in this regard. Furthermore, the closest windows within the rear elevation of no. 1a are set away from the shared boundary.
- 6.55 The overall height and eaves level of the proposed pitched roof would be set down from that of the dwelling to the west. Although the new dwelling would be taller than the dwelling to the east, this would not have an overbearing impact on this dwelling or overshadow their amenities as these dwellings are in line with each other and the rear projection has been assessed in the previous paragraph.
- 6.56 Given the above, it is considered that the proposal would not be overbearing to these nearest residential neighbours to the south, north, west or east to a such a degree as to result in a significant impact on their residential amenity that would warrant a reason for refusal.
- 6.57 As such, it is considered that the overall scheme would not result in any unacceptable amenity issues to these nearer adjoining properties in terms of sunlight/daylight, loss of privacy/overlooking or sense of enclosure or outlook.
- 6.58 Overall, due to the traditional design and prevailing site conditions, the proposed development would not be overbearing or unacceptably harm neighbouring amenities by way of loss of light, sunlight, outlook and privacy. The proposal therefore complies with Policy CP24 of the TMBLP and paragraph 130 (f) of the NPPF.

Drainage:

- 6.59 Policy CP10 of the TMBCS states that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk are considered. The application site is located within a low-risk flood area (1) and is therefore appropriate for this form of development.
- 6.60 The application form indicates surface water would be disposed by installing a soakaway for surface water and foul sewage dispose to the main sewer, as detailed on the application form.
- 6.61 The applicant has also indicated that once the project progresses to Building Control Regulation stages, if planning permission is granted, the relevant statutory authority would be consulted and liaised with to ensure a compliant connection is installed as

required under the Building Control Regulations, which is not controlled under the Planning regulations. This is considered satisfactory and can be covered and ensured under Building Regulations. An Informative should however be attached to inform the applicant of this matter. In addition, no concerns were raised by Environmental Protection officers on these matters.

- 6.62 Given the above, officers are of the opinion that a refusal of this proposal could not be justified on drainage grounds, or in relation to a harmful impact on the wider local area, as the drainage works would be covered by other bodies such as Building Control and Southern Water.

Waste:

- 6.63 The proposed site plan indicates that 1 x refuse and 1 x recycle bins would be provided to the front of the property. If planning permission is granted a condition could be imposed for the refuse storage is provided on site, as per the proposed site plan, prior to occupation of new unit on site.

Trees and Landscaping:

- 6.64 Policy NE4 of the MDE DPD specifically relates to development and the impacts upon trees hedgerows and woodland. It states that:

“The extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.”

- 6.65 Officers acknowledged that local residents have raised concerns that the proposed construction works would result in damage to the Scots Pine tree at Gaisford, The Street to the south of the development site which may result in an increased risk of windthrow. In addition, it should be noted that this tree is not a protected tree or sited within the red line of the application site, or a Conservation Area.
- 6.66 The Council’s Tree officer was consulted on this application and stated that “the tree has been assessed and it has been formally determined that notwithstanding that the top of the Pine has some public visibility given the limited public amenity of the tree, poor form and close proximity to existing structures it is considered that the tree would be inappropriate for inclusion within a new TPO”.
- 6.67 In addition, the applicant submitted land levels information (in the form of existing and proposed sections) as part of the submissions for this application. Drawing 7097 - PD-02 Rev A indicates there will be no alterations, raising or lowering of the existing ground levels within the rear garden south of the new dwelling. The existing lawn would be largely retained and enhanced with a new composite boarded decking area. The existing close boarded fencing would be retained and be adjusted to

provide side access to the rear garden as well as to the garden of nos. 1 and 2 Bourne Vale.

6.68 If planning permission is granted conditions could be imposed to final details of the soft and hard landscaping and the level details as shown on drawing no. 7097 - PD-02 Rev A are retained on site. This is to ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation.

6.69 Given the above, proposal would comply with Policy NE4 of the MDE DPD.

Climate change:

6.70 Paragraph 153 of the NPPF requires Development Plans to take a proactive approach to mitigating and adapting to climate change. It encourages new development to avoid an increase in vulnerability to the range of impacts associated with climate change. Where there are proposals in vulnerable areas care is to be taken to mitigate and consider green infrastructure. In addition, proposals should help to reduce greenhouse gas emissions and increase the use of renewable and low carbon energy.

6.71 The Government has adopted the Future Homes and Building Standards in line with its commitment to achieve net zero emissions by 2050. This seeks to reduce CO₂ emissions from new homes by 75 – 80 % from 2021 standards and new homes will need to be “zero carbon ready”, meaning that no further retrofit work will be necessary to enable them to become zero – carbon homes. The first stage of this transition towards the decarbonisation of buildings came into force on 15 June 2022 via a suite of revised Building Regulations, which require that CO₂ emissions from new build home must be 30% lower than under previous standards. The efficiency levels now required under these regulations would encourage/require the installation of zero- carbon technology and levels of energy efficiency, which would exceed those previously required by the Council under planning policy. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.

6.72 The amended Building Regulations under Approved Document S also require that new developments must include spaces with access to electrical vehicle charging points equal to the number of new dwellings and that cable routes/ infrastructure should be provided to other parking spaces. As detailed above the proposal includes the provision of on EV charge point.

Other Material Planning Considerations:

- 6.73 The Housing Delivery Test January 2022 records that TMBC delivered 63% of the total number of homes required by the Government and there is thus a presumption in favour of sustainable development.
- 6.74 The shortfall in the supply of housing is a material consideration that weighs in favour of the development. The development will deliver 1 new house, as a small but useful contribution to housing land supply as a windfall. Windfall developments are a key component of housing land supply. This is a significant benefit.

Neighbour comments:

- 6.75 Neighbour comments regarding damage to the existing roads at the junction of Long Mill Lane and Bourne Vale via east and existing drainage issues are independent legal/civil issues separate from the planning system. These matters should be taken up with Southern Water and Highways authority. As such, they have no bearing upon the acceptability of the current proposal and cannot be controlled by planning legislation.
- 6.76 Neighbour comments regarding no site notices displayed on site. It should be noted that all adjoining properties that abut the boundaries of the application site were consulted on the above application site, as per the consultation requirements.
- 6.77 Neighbour comments regarding the application should be made invalid, as the box ticked “no” to the question “*Are there any trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?*”. Officers acknowledged that this not a valid reason to make the application invalid. However, please refer to relevant section of this report for full assessment of the adjacent tree by officers.
- 6.78 Neighbour comments that the deeds to the property show parking spaces are visitors and not for permanent car parking spaces. This matter is an independent legal/civil issue separate from the planning system.
- 6.79 Neighbours and Parish Council comments regarding reference to historic refusals in the close namely 8a and 9a Bourne Vale or pre-application advice given at other properties. It should be noted that these refusals were 20 years ago and have since been allowed. In addition, every planning application is assessed on its own merits where local planning and national policies have changed since then and pre-application schemes are planning advice given at the time, which is subject to change, once a formal planning application is made.

Concluding remarks:

- 6.80 Due to the Council’s lack of a 5 year housing land supply the tilted balance is engaged in this case. As the site is affected by a protected designation in the form

of the AONB, the proposal is assessed against paragraph 11 d (i) of the NPPF, the conclusion being that the impact of the proposed development to the AONB would not cause a level of harm that would provide a clear reason to refuse the proposal.

- 6.81 Following this it is necessary to apply consideration under paragraph 11 d (ii) of the NPPF, and whether any potential adverse impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the rest of the NPPF policies.
- 6.82 The proposed new build would be of an acceptable standard of design commensurate with that evident within the surrounding street scene and in keeping with the surrounding area. No harmful impacts would arise to neighbouring amenity, parking, drainage or highways safety as a result of the proposal.
- 6.83 Given the above, it is considered that on balance the provision of one additional housing unit in this part of the borough serves a clear benefit in terms of the lack of a 5-year housing land supply, with no harm identified to the AONB, character of the area, neighbouring amenities or highway safety. Therefore, it is concluded that the proposal would comply with the Council's policies and the NPPF, and as such a decision should be made in favour of sustainable development.
- 6.84 Accordingly, the application is recommended for approval subject to conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: 7097-PD-01B Existing site, garage & section plans, 7097-PD-02A Proposed site street scene & site section plans, 7097-PD-03 Proposed plans & elevations, Design and Access Statement 7097-DAS_rev A March 2023.

Conditions / Reason

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents: 7097-PD-01B Existing site, garage & section plans, 7097-PD-02A Proposed site street scene & site section plans, 7097-PD-03 Proposed plans & elevations, Design and Access Statement 7097-DAS_rev A March 2023.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3 Prior to the commencement of the development hereby approved, arrangements for the management of any and all demolition and/or 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 construction works will be limited to and measured to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the 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;
- Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and their likely duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; 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 controls on noise and dust arising from the site with reference to current guidance.
- The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety.

4 Other than demolition of the existing structure, no above ground development shall take place until details of the materials to be used in construction of the external materials of the dwelling hereby permitted have 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 ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

5 The proposed hardstanding shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse/site.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto land outside the ownership of the applicant.

- 6 Notwithstanding the scheme of hard and soft landscaping and boundary treatment shown on 7097 - PD-02 Rev. A, prior to the first occupation of the dwelling hereby approved a detailed scheme of hard and soft 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.

- 7 The development shall be implemented in accordance with the levels details shown on the PROPOSED SITE PLAN STREET SCENE & SITE SECTION drawing 7097 - PD-02 Rev A and other than for the construction of the new decking shown on that drawing there shall be no alterations, raising or lowering of the existing ground levels within the rear garden south of the new dwelling hereby consented.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation.

- 8 Prior to the first occupation of the development hereby approved, the front bin storage shall be installed in accordance with the approved plan referenced 7097 - PD-02 Rev. A; and shall thereafter be maintained and retained in accordance with the approved details.

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

- 9 Before the dwelling hereby approved is occupied, the area shown on the Proposed Site Plan (Drawing no. 7097 - PD-02 Rev A); as vehicle parking space and vehicle turning area shall be 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 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 and turning area.

Reason: To ensure that adequate parking and turning facilities are provided and maintained and retained.

- 10 Notwithstanding approved plans, as hereby approved, the first and second floor windows in the east flank elevation shall be fitted with obscured glass and, apart from

any top-hung light, shall be non-opening. This work shall be completed before the property is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjacent properties.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order) no extension, enlargement ,alteration or provision within the curtilage of each of the dwellinghouse as provided within Schedule 2, Part 1, classes A, B, C, D and E other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the scenic beauty of the Area of Outstanding Natural Beauty and for this reason would want to control any future development.

- 12 Prior to the first occupation of the development hereby approved, a car charging point shall be installed in accordance with the approved plan referenced 7097 - PD-02 Rev. A; and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives.

- 13 Prior to the first occupation of the development hereby approved, the secure cycle rear shed/storage as shown on the approved drawing referenced 7097 - PD-02 Rev. A; and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with the Council's adopted standards

Informatives:

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
- 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 e-mail to

addresses@tmhc.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.

- 4 In the interests of good neighbourliness, the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays. (These hours will be agreed by condition 3)
- 5 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
6. In the interests of good neighbourliness all vehicles and machinery associated with construction should be parked within the site and not on the public highway in such a manner as to create an obstruction. (This will be controlled by condition 3)
7. You are advised that Southern Water requires a formal application for a connection to the public foul sewer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read the New Connections Charging Arrangements documents which are available on their website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.
8. You are advised by Southern Water it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advise please email SouthernWaterPlanning@southernwater.co.uk or visit <http://www.southernwater.co.uk>
9. You are advised before making a formal application under Building Regulations to consult the Council's Building Control officers regarding the adequacy of drainage/soakaways to dispose of surface water from the proposed development.
10. The applicant is reminded of the need to comply with the Water Supply (Water Fittings) Regulations 1999 for any development or extension or alteration of the water system on the site. Please advise the relevant statutory water undertaker of the works to be undertaken by completing a Notification of Proposed Works for the Granting of Consent before undertaking works.

Contact Panyun Chow