

REPORT SUMMARY

REFERENCE NO - 19/01353/FULL			
APPLICATION PROPOSAL Proposed replacement of the existing chalet bungalow with a new two storey dwelling.			
ADDRESS Chilford, Golford Road, Cranbrook, Kent, TN17 3NW			
RECOMMENDATION to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation).			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">- The principle of a replacement dwelling is supported by Policy H10 of the Local Plan and the proposal meets the other requirements of this policy.- The design, form and scale of the proposed dwelling is considered to be appropriate and would ensure that the new dwelling would not be obtrusive in the landscape.- The development would not be materially harmful to the residential amenities of neighbouring dwellings.			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL The following are considered to be material to the application: Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A Net increase in numbers of jobs: N/A Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A The following are not considered to be material to the application: Estimated annual council tax benefit for Borough: N/A Estimated annual council tax benefit total: N/A Annual New Homes Bonus: N/A Estimated annual business rates benefits for Borough: N/A			
REASON FOR REFERRAL TO COMMITTEE Called in by Councillor Dr Hall on the grounds that the replacement dwelling is too large in both footprint and volume, resulting in the new building being intrusive, overbearing and dominating in the context, particularly to the residential amenity of those who live close by.			
WARD Benenden & Cranbrook	PARISH COUNCIL Cranbrook & Sissinghurst Parish Council	APPLICANT Mr & Mrs Jones AGENT Mr Chris Saunders	
DECISION DUE DATE 12/07/19	PUBLICITY EXPIRY DATE 16/07/19	OFFICER SITE VISIT DATE 25/06/19	
RELEVANT PLANNING HISTORY			
16/502519/LAWPRO	Lawful Development Certificate (Proposed) for the erection a garden shed behind the existing garage.	Permitted	04/05/16

16/503893/FULL	Replacement of existing single storey dwelling with accommodation in roof, with new two storey dwelling.	Permitted	09/08/16
16/07075/SUB	Proposal: Submission of details in relation to Condition 3 - (materials to be used externally); Condition 7 - (landscape scheme); Condition 8 - (vehicle parking space); Condition 9 - (details of the existing and proposed site levels) of 16/503893/FUL	Permitted	01/12/16

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to an existing single storey detached dwelling with accommodation in the roof space. It is set back from the highway and is on a slightly higher land level than the road.
- 1.02 The dwelling is outside of the limits to built development (LBD) and located within a group of other dwellings. The majority of these have been extended over the years.
- 1.03 There is a front driveway with parking, and a garage located in the rear garden of the property which is accessed via the side of the dwelling. The rear garden is stepped up from the level of the main dwelling.
- 1.04 The immediate neighbouring properties are two storey to the east and single storey to the west.
- 1.05 The boundary treatments comprise mature trees and hedging to nearly all boundaries with a more open boundary between the host dwelling and The Homestead where there is a close boarded fence.

2.0 PROPOSAL

- 2.01 The proposal is for a replacement dwelling following the removal of the existing dwelling on the site. The replacement would have a 1 ½ storey appearance from the front elevation and two storey to the rear.
- 2.02 The dwelling would have a hipped roof with an “M” shaped valley. The dwelling would be larger than the existing property on site and would be positioned closer to the boundaries with neighbours (0.9m closer to Springden and 1.2m closer to The Homestead). The new dwelling would be 1m higher than the existing, and would be larger in width by 2.25m. The depth would also increase by 3.15m.
- 2.03 The new dwelling would be set down into the land level by approximately 480mm. Access into the site would remain the same and parking would also remain to the front of the property.
- 2.04 The existing planting to the front of the dwelling would remain and a landscape plan has been submitted which proposes to increase planting to the western boundary.

- 2.05 The proposal, design and siting of the new dwelling are exactly the same as previously permitted scheme under reference 16/503893/FULL.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
No. of storeys	1	1 ½	+ ½
Max height	6.2m	7.2m	+1.0m
Max eaves height	2.5m	2.2m to front 4.5m to rear	-0.3 to front +2.0m to rear
Depth	9.6m	12.75m	+3.15
Width	8.1m	10.25m	+2.15m
Distance from boundary with Springden	2.8m	1.9m	-0.9m
Distance from boundary with The Homestead	2.4m	1.2m	-1.2m
Cubic Volume	394 m3 (approx. including garage)	826m3 (approx.)	+ 432m3

4.0 PLANNING CONSTRAINTS

Area of Outstanding Natural Beauty (AONB) (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

Outside Limits to built development (LBD)

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2019 (NPPF):
National Planning Practice Guidance (NPPG):

Core Strategy

Core Policy 1: Delivery of Development
Core Policy 4: Environment
Core Policy 5: Sustainable Design and Construction
Core Policy 14: Development in the villages and Rural Areas

Local Plan

LBD1: Development Outside Limits to Built Development
EN1: Development Control Criteria
EN25: Development control criteria for all development proposals affecting the rural landscape
H10: Replacement Dwellings outside the Limits to Built Development
TP4: Access to the Road Network
TP5: Vehicle Parking Standards

Supplementary Planning Documents

Alterations and Extensions SPD
Tunbridge Wells Borough Landscape Character Assessment 2017

Other planning documents

High Weald AONB Management Plan 2014

6.0 LOCAL REPRESENTATIONS

- 6.01 Site notices were displayed on the 25th June 2019 at two locations either side of the application site.
- 6.02 One representation was received with the following comments/objections:
- The proposal description is incorrect in that it is the replacement of a chalet bungalow with a two storey dwelling.
 - Within the AONB and outside of the LBD.
 - Reference is made to other bungalows in the area, however each case measured on its own merits, both other plots are larger than this one, with sufficient side separation, and do not extend to the rear.
 - Would result in a dominant, overbearing addition and cramped development.
 - The overall volume of the original bungalow is 290m³. The new house is around 800m. This is a similar increase to 280%.
 - Out of character with the six dwellings, does not respect the site context and character
 - Overshadows to neighbouring property
 - Reference is made to the Cranbrook Conservation Area Appraisal

7.0 CONSULTATIONS

Mid Kent Environmental Services

- 7.01 **24/06/19:** Demolition/construction activities may have an impact on local residents and so the usual conditions/informative should apply in this respect. Before demolition, building should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 The proposal is to replace the existing two storey chalet bungalow with a new dwelling which has a total floor area of 238 square metres over two storeys and a footprint area of 132 square metres.
- 8.02 The overall dimensions of the proposal compare favourably to this in that although the new house is larger than the existing, the increase in dimensions are not disproportionate. Indeed, the planning officer has commented that the current proposal in her view "Will be no more intrusive than the existing dwelling".
- 8.03 The proposal sits on the site on the position of the original house. There will be a space to the western boundary of 1225mm, which is only reduced to 950mm at the chimney position. On the eastern side the dimension from the external wall to the boundary is 1930mm.

9.0 BACKGROUND PAPERS AND PLANS

- Application form
- Site location plan
- Existing plans and elevations
- Proposed plans and elevations
- Proposed landscaping, levels and parking area

- Design and access statement
- Arboricultural report

10.0 APPRAISAL

Background

10.01 This application is the resubmission of a previously approved application from 2016. The proposal, design and siting of the new dwelling are exactly the same as previously permitted. Works have not commenced on the 2016 approval and the three year period for implementation ended on the 8th August 2019, which is why this resubmission has been applied for. Since the approval of the 2016 proposal local policies have not changed, however the National Planning Policy Framework has revised (twice).

10.02 It is considered that the key issues relating to this proposal are the principle of development, the visual impact, the impact upon the AONB and residential amenity impact.

Principle of the development (including assessment against Policy H10 of the LP, impacts upon the landscape)

10.03 The relevant planning policy considerations contained in the National Planning Policy Framework 2019 contain paragraph 11 (and note 7) of the NPPF sets out that where there is no five year housing land supply, the policies relating to the delivery of housing will be considered out of date, planning permission should be granted unless:

- i) *the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

10.04 NPPF Paragraph 73 requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA. The NPPF requires, based on the housing delivery test, that currently a 5% buffer be included in TWBC's five year supply calculations.

10.05 Every year a position is established regarding the five year supply, based on the position in April of that year. This detailed work has been undertaken and has determined that the Council currently have 4.69 year housing supply at 1st April 2019. The Council's new Local Plan has been published, but does not carry weight at this stage.

10.06 In view of the above, the spatial strategy for the delivery of housing in TWBC (such as Core Strategy Policies 1 and 6) are considered to be out of date, it is necessary to consider whether the development is sustainable in the context of the NPPF, whether there are any adverse impacts that would significantly and demonstrably outweigh

the benefits when considering the Framework when taken as a whole and whether specific policies in the Framework indicate development should be restricted.

- 10.07 With regard to sustainable development, the presumption in favour of sustainable development is outlined within paras 7 to 11 of the NPPF. This highlights the different threads to sustainable development which comprise an economic objective, social objective and environmental objective. Footnote 6 to paragraph 11 states that these policies include 'irreplaceable habitats' which para 175 states includes AONBs. Paragraph 8 of the NPPF sets out in c) that part of the environmental objective of sustainable development is to contribute to protecting and enhancing our natural and built environment.
- 10.08 The issue of sustainability is multi-faceted, incorporating the considerations as outlined above. The proposal would be replacing an existing dwelling with no net increase in units. Whilst this is in a rural area with some reliance on the private car, the proposal would replace an existing dwelling and associated garden and therefore the site is classed as PDL outside of the LBD as set out within the NPPF: the principle of such development is also set under planning policy H10, assessed later in this report. The general scale and form of the proposed dwelling are considered to be appropriate and would contribute to protecting and enhancing the natural and built environment. The development is therefore considered to be sustainable in the context of the NPPF. The following sections of this report will go on to assess the specific impact of the proposal (including visual impact, and AONB) and whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits and indicate development should be restricted.
- 10.09 In terms of the Development Plan, Policy H10 of the Local Plan states that outside the LBD the replacement of an existing dwelling will be permitted provided all the following criteria are satisfied:
- a) that the existing building enjoys a lawful residential use which has not been abandoned;
 - b) that replacement building be sited on, or as close as reasonable to, the site of the existing building, or unless an alternative position on the plot would result in a clear landscape, access or local amenity benefits;
 - c) that the replacement dwelling would not be more obtrusive in the landscape than the dwelling which is to be replaced.

Criterion a) – Lawful use

- 10.10 With regards to criterion a): the existing house benefits from a lawful residential use having been in place for many years and has not been abandoned.

Criterion b) – Siting

- 10.11 The proposed new dwelling would have a similar siting to the exiting dwelling. It is acknowledged that it would be set slightly forward of the existing front elevation, although this would still continue the building line set by the existing dwellings along this section of Golford Road. The access into the site would remain the same.

Criterion c) – Obtrusiveness in the landscape and overall landscape impact

- 10.12 With regards to criterion c), obtrusiveness in the landscape can be measured by a number of factors. These include height, bulk, massing, volumetric increase, size, scale, position within the site and the extent of any earthworks and engineering operations to accommodate the new dwelling.

- 10.13 The volume of the existing dwelling has been calculated to be approximately 316 cubic metres (not including the garage which is approximately an additional 78m³). The proposed new dwelling would be 826 cubic metres approximately which would be an increase of 161%. Whilst this appears to be a significant increase when reviewed by these figures alone, it is important to highlight that an obtrusiveness assessment goes beyond a pure volume calculation and consideration of the visual impact of the additional volume is required.
- 10.14 It is acknowledged the replacement building would be of a larger size in terms of building footprint and height, however it is considered that the proposal would not be materially no more obtrusive in the landscape than the bungalow which would be replaced as a result of several design features. The front of the property would appear as a chalet bungalow which is not considered to have a significant impact on the street scene as it would be no higher than the neighbouring property at Springdene. Measurements taken from the street scene drawing shows that the new dwelling at Chilford would have the highest roof level, but it would be dropped into the land level by just under half a metre. The land levels drawing which has been submitted shows that the max height of the eaves would be 71.37m and the ridge 78.60m. The eaves and ridge at The Homestead is shown to be 74.58m and 78.16m, while at Springden it is 74.53m and 78.60m. This is due to the proposal being set down in the ground so the resulting roof would appear a similar height with the neighbouring properties. The street scene drawing shows that the proposal would not appear out of place in this area and while wider than the existing bungalow there would be adequate spacing to the side to preserve the character and for the dwelling to sit comfortably within the site.
- 10.15 The front boundary of the site has a number of mature trees and planting which continues across a number of the front boundaries in the street. Due to the extensive screening it is considered that the resulting dwelling would not appear any more obtrusive in the landscape from this view than the existing building. A condition for the retention of these trees and planting can be attached to any approval.
- 10.16 While the property from the rear would appear as a two storey dwelling it is considered that the building would not be excessive in scale or appear out of place and is therefore considered not to appear more obtrusive in the landscape. In addition, there are no significant views from public vantage points to the rear of the property. This is the same conclusion reached in the 2016 application..
- 10.17 The previous approved application had a time constraint condition where works should commence within three years from the date of approval. The three years ended on the 8th August 2019. It is considered that both national and local planning policies have not considerably changed since the determination of that application. This is considered to be a material consideration when determining this new application.
- 10.18 In light of the above, it is considered the principle of the proposal represents an acceptable form of development outside the Limits to Built Development and in accordance with Policy H10 of the Local Plan 2006.

Effects on Visual Amenity and Character of the Locality including AONB

- 10.19 The size of the proposed residential curtilage would be large enough to accommodate the scale of the development and while the proposed house is larger than the existing dwelling the separation distances between the new dwelling and the boundaries are 1.9m to the boundary with Springdene and 1.20m to the Homestead,

which are considered to be large enough that the new dwelling would still fit well within the context of the site.

- 10.20 The principle elevations of the replacement house would be set along the same line as the neighbouring dwelling at Springdene and behind the principal building line of The Homestead. This would help the proposal respect the character of the locality and soften the impact on the visual amenities and the landscape and scenic beauty of the ANOB.
- 10.21 It is considered necessary and reasonable to attach a condition removing the permitted development rights for the replacement dwelling. This would help control any future development such as extensions and outbuildings without the requirement of planning permission. It is considered this control would be required in order to help respect the character of the locality.
- 10.22 Materials used on the replacement bungalow would be similar to those on the existing bungalow with a slate roof and weatherboarding to the first floor level. While the boarding would be an eternit fibre cement material rather than timber it is considered that it would still have the appearance of painted timber and therefore it is considered the use of materials would be acceptable and would respect the character of the development site. Details of the materials were submitted and approved for the 2016 application under ref: 16/07075/SUB. A condition securing these materials will be included within the recommendation below.
- 10.23 In conclusion while the proposal is for a larger replacement dwelling, it is considered that suitable separation distances from the boundaries have been retained and the set down of the building into the site will ensure it fits in with the street scene, would not appear over dominant and would preserve the character and appearance of the locality and scenic beauty of the AONB.

Residential Amenity

- 10.24 The properties that may be impacted by the proposal are Springdene to the north east of the site and The Homestead to the south west of the site.
- 10.25 The new dwelling would be located approximately 1.9m to the boundary with Springdene, and approximately 7.5m to the side elevation of this property (being the attached garage) Due to this separation and the orientation of the properties it is considered that there would not be a significant loss of outlook or overshadowing from the additional height and depth the new dwelling would have.
- 10.26 No windows are proposed on the side elevation, but there would be new windows at a first floor level to the rear elevation. However any overlooking would be at an oblique angle and it is noted that there is some planting on the boundary which would screen some views. It is considered that any overlooking would be limited and not significant to warrant a refusal.
- 10.27 The new dwelling would be located approximately 1.2m to the boundary with The Homestead, and approximately 4.2m to the side elevation of their dwelling.
- 10.28 The new dwelling would extend past the rear wall of the Homestead by approximately 9.5m, and it is acknowledged that this may appear as a prominent feature from the neighbours' property. However there would still be a 4.2m separation distance between the side elevation of the proposed and the neighbours side elevation which is considered sufficient to ensure the proposed dwelling is not significantly overbearing. It is also noted that the existing dwelling already extends past the rear

wall of the neighbours by approximately 5m, therefore the additional length is approximately 4.5m. The Homestead also includes an existing rear conservatory and one window and another small window in the roof space which are set back from the boundary and whilst there may be some impact upon the existing views enjoyed here, there is no right to a view in planning terms and having assessed the impact, it is considered that the overall effect would not be such an overbearing or oppressive impact to warrant a refusal.

- 10.29 It is noted that there is some open parts of the boundary on this side; therefore a condition for a soft landscaping scheme was recommended on the previous permission. This was discharged under application 16/07075/SUB, and the same landscaping plan was submitted under this application. This is still considered acceptable as it shows additional reinforcement to the planting along the boundary where there are currently gaps. A condition securing these landscaping details will be included within the recommendation below.
- 10.30 The Homestead is located to the south west of the application site. The additional height of the replacement dwelling would result in some loss of direct sunlight in the earlier morning during summer months. However this would be for a short period of the day and overall it is considered that the increased shading that would occur as a result of the proposal would not generally be so extensive to significantly affect the house or immediate garden area as to materially harm living conditions of the occupiers.

Other matters

- 10.31 The proposal would bring development closer to the trees on the boundaries and would involve the removal of a hazel clump and a beech tree to the front of the property. An Arboricultural Report has been submitted with the application and the TWBC Tree Officer has been consulted. It is concluded that the protection proposals are acceptable provided that the fencing is erected before any works and a standard tree condition is used.
- 10.32 The driveway to the front of the property appears to be made smaller on the proposed block plan when compared to the existing. Therefore a condition has been recommended for details to secure sufficient space to turn while ensuring the trees to the front of the property are protected.
- 10.33 It is noted that the neighbouring comments have made reference to the incorrect proposal description. This has now been changed to represent the proposal.
- 10.34 The neighbour comments make reference to the Cranbrook Conservation Area Appraisal, however the location of the application site falls outside of the Conservation Area.

Conclusion

- 10.35 While the replacement dwelling would be larger than the existing, due to the proposed land level and the mature planting to the front of the property, it is not considered to be any more obtrusive in the landscape than the existing property. The proposal is acceptable in its impact upon the landscape and the AONB. The impact upon neighbouring amenity is not considered to materially harm the living conditions of existing and future occupiers. Approval subject to the following conditions is therefore recommended.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Block and Location Plans, drawing number 1514 01E, received 16/05/19
Replacement Dwelling, drawing number 1514 02E, received 16/05/19
Proposed Street Scene, Drawing number 1514 03A, received 16/05/19
Replacement Dwelling, drawing number 1514 04D, received 16/05/19
Proposed landscaping, parking, site levels and detailing, drawing number 1514 21, received 16/05/19

Reason: To clarify which plans have been approved.

- (3) The materials to be used in the construction of the development hereby approved comprise Swanage Handmade Light Red Multi by Ibstock, CO1 white cedar lap weatherboard by Marlet Eternit, SSQ - Domiz-natural grey slate. Any changes need to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, no development shall be carried out within Classes A, B and C of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality

- (5) No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (6) All existing hedges or hedgerows and trees on site shall be retained unless specified to be removed in the approved Arboricultural report submitted with application. All hedges and hedgerows and trees on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows or trees removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is

reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows

- (7) The development must accord with the approved landscaping and site levels details show on the Proposed landscaping, parking, site levels and detailing plan, drawing number 1514 21, received 16/05/19. Any changes need to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ecological value/biodiversity and to enhance the character and appearance of the site

- (8) The area shown on drawing 1514 01E as vehicle parking space and turning space, shall be provided, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the premises are occupied. It shall be retained for the use of the occupiers of, and visitors to, the development and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) shall be carried out on that area of 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 parking inconvenient to other road users.

INFORMATIVES

- (1) As the development involves demolition and/or construction, it is recommended that the applicant/agent makes reference to the Mid Kent Environmental Code of Development Practice which is available on Tunbridge Wells Borough Council website. Broad compliance with this document is expected.

Case Officer: Charlotte Oben

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.