

Application Number	16/00835/AS	
Location	Little Court, Maytham Road, Rolvenden, Cranbrook, Kent, TN17 4ND	
Grid Reference	84751/ 31253	
Parish Council	Rolvenden	
Ward	Rolvenden & Tenterden West	
Application Description	Subdivision of plot and construction of new 3 bedroom detached property with new access from Maytham Road	
Applicant	Mr & Mrs G Oaten, Little Court, Maytham Road, Rolvenden TN17 4ND	
Agent	Offset Architects, Nepicar House, London Road, Wrotham Heath, Sevenoaks, TN15 7RS	
Site Area	0.07ha	
(a) 6 / 2R	(b) PC - R	(c) HW AONB X; ESM - X; KH&T - X

Amended scheme:

- (a) 6 / 2R (b) PC - R

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Cllr Bennett.

Site and Surroundings

2. The application site is located within the village of Rolvenden within close proximity to the Conservation Area. It is within a designated Area of Outstanding Natural Beauty. The site forms part of the side garden of the existing part two storey and part single storey dwelling known as Little Court. The site is enclosed by a 2m high Victorian red brick wall.

- The site is located to the south east of the main village. It has direct frontage to the street and is bordered on the remaining sides by residential development. To the east is Little Court, to the west is Barton Lodge which is single storey. To the south are a mix of two storey dwellings.



Figure 1 Site Location Plan - Red Area to left is Conservation Area

Proposal

- Planning permission is sought for the erection of a 3 bedroom detached chalet bungalow with a 14m deep rear garden and a new vehicular access. The access would require demolition of a small section of the boundary wall.
- The application as originally submitted showed a bungalow however this was amended following concerns raised by officers in respect of design and the substantial footprint. The access remains unchanged.



Figure 2 Proposed Side and Rear Elevations



Figure 3 Proposed Side and Front Elevations

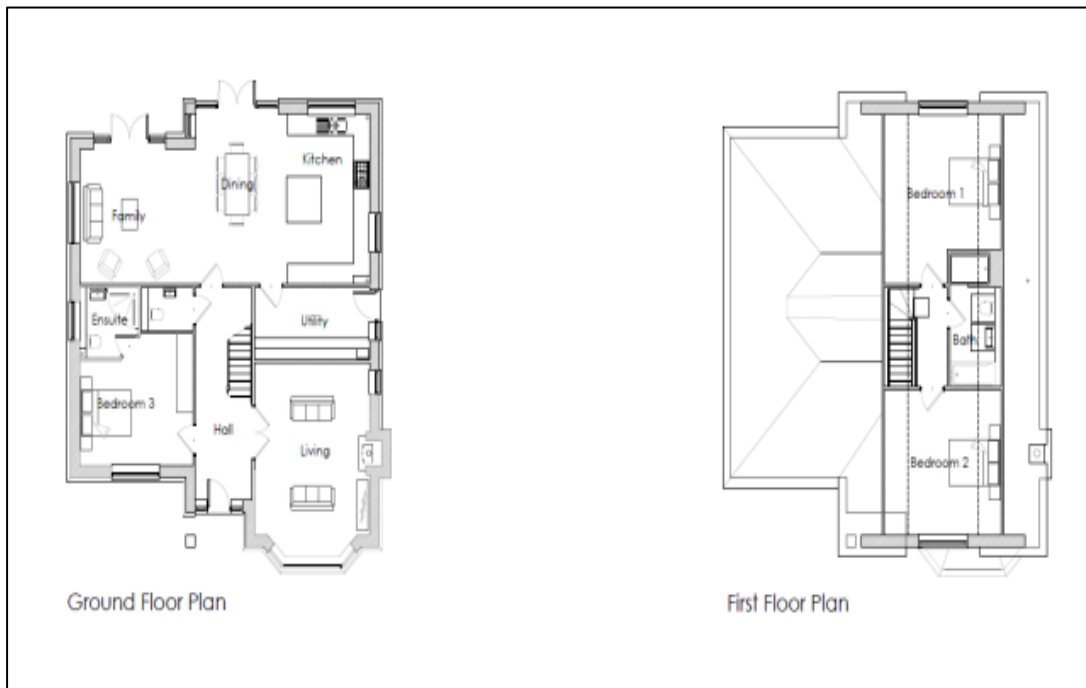


Figure 4 Proposed Floor Plans

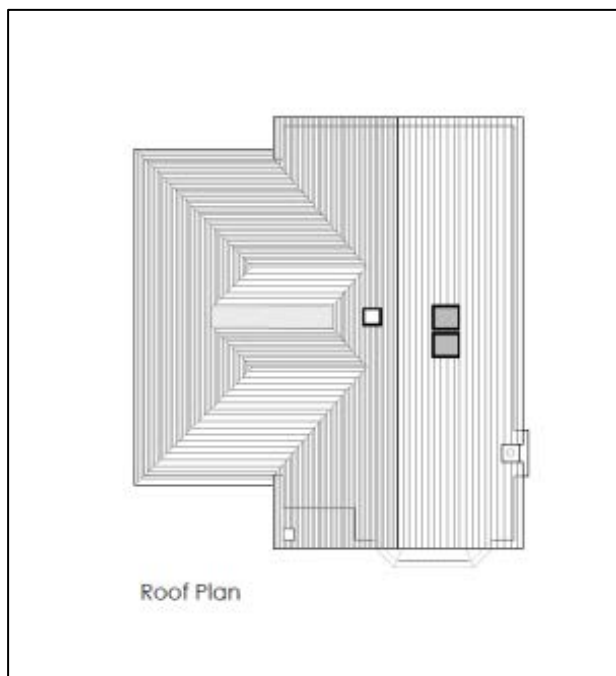


Figure 5 Roof Plan



Figure 6 Proposed Layout Plan

Planning History

6. **10/00521/AS** - Two storey side extension, single storey link extension to garage, insertion of dormer window to north elevation and garden wall along front boundary - permitted

Consultations

Scheme as originally submitted for a bungalow

Ward Member: The Ward Member is a member of the Planning Committee.

Parish Council: Object on the following grounds:

- Have fought infill development, access is dangerous.
- Overdevelopment of the site and it would be out of character with the pattern of development and density.
- The Victorian wall to the front should be protected.

Kent Highways and Transportation: No objection stating:

“Given the 30mph speed limit on the road where the access is proposed and that there is a bend to the east, the submitted visibility splays would be sufficient to serve the access. The parking standards are sufficient to serve the development.”

AONB unit: No objection.

Environmental Services: No objection.

Neighbours: 6 neighbours consulted; 2 objections received raising:

- Development would represent further building in countryside
- We have resisted infill development in the village
- Given the pattern and density of the development, it would be out of character.
- Loss of privacy to neighbouring dwelling
- Lack of suitable parking and substandard access issues

Scheme as amended showing a chalet bungalow

Ward Member: The Ward Member is a member of the Planning Committee.

Parish Council: Object on the following grounds:

- Addition of a second storey would compromise the privacy of neighbouring property to west.

Neighbours: 6 neighbours consulted; 2 objections received raising:

- Appears to be issues with access
- The comments raised previously still apply

Planning Policy

7. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016

and ended on 10 August 2016. At present the policies in this emerging plan can be accorded little or no weight.

8. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 Protecting the Countryside

Local Development Framework Core Strategy 2008

CS1 Guiding Principles

CS9 Design Quality

CS20 Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS1 Minor residential development or infilling

TRS17 Landscape Character and Design

Local Plan to 2030

SP1 Strategic Objective's

SP6 Promoting High Quality Design

HOU4 Residential Development in the rural settlements

ENV9 Sustainable Drainage

9. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Landscape Character Assessment

Residential Space and Layout (External Standards)

Residential Parking and Design

Sustainable Drainage

Dark Skies SPD

Government Advice

National Planning Policy Framework 2012

10. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
11. National Planning Policy Guidance

Other Government Policy

12. Technical housing standards – nationally described space standard

Assessment

13. The main issues for consideration are:
 - Principle of Development
 - Impact upon visual amenity / AONB
 - Impact upon Residential Amenity
 - Highway Safety/ Parking

Principle of Development

14. The site is located within a designated AONB, which under the NPPF has the highest status of protection in relation to landscape and scenic beauty.
15. The site lies within the built-up confines of Rolvenden, a village identified as a settlement suitable for minor development / infilling under Policy TRS1 of the Tenterden and Rural Sites DPD. Given this, the principle of minor development / infilling can be considered acceptable provided there is no overriding harm arising.
16. Policy TRS1 states that the principle of residential development (within the named villages of which Rolvenden is one) is acceptable subject to compliance with the following criteria:

- a) the development can easily be integrated into the existing settlement without the need to substantially improve the infrastructure or other facilities;
 - b) the proposal is of a layout, scale, design and appearance that is appropriate to the character and density of its surrounding area;
 - c) it does not result in the displacement of other active uses such as employment, leisure or community uses in the area; and,
 - d) the proposal would not result in the loss of public or private open spaces or gaps that are important characteristics of the settlement.
17. In respect of criterion a) the new dwelling can be easily integrated into the existing settlement and would not require any improvement to the existing infrastructure or other facilities in the locality. This part of the policy is satisfied. The site is currently garden and as such the proposal won't result in the loss or displacement of active uses i.e. employment, leisure or community uses and as such criterion c) is satisfied. Criterion b) and d) are discussed below.

Impact upon visual amenity/AONB

18. The new dwelling in its revised form as a chalet bungalow would have a footprint of 138 sq. m and maximum ridge height of 6.3m. The proposed dwelling would be of a similar size and scale to many of the properties within the immediate vicinity and would sit well between the bungalow to the west and two storey dwelling to the east, leaving substantial gaps between both in order to maintain the spacious character and avoid the development appearing cramped.
19. The design approach adopted is a traditional one which is appropriate in this edge of village context. The use of gables, bay windows, a chimney and a porch adds visual interest and by not proposing dormer windows in the roof avoids a top heavy appearance. Use of high quality materials in conjunction with the design approach adopted will mean that the building will sit well in its context and not detract from the visual amenity of the area. .
20. Part of the brick wall that surrounds the site would need to be removed to create a vehicular access to the site. The wall is not listed or within the conservation area and as such its removal does not require planning permission. The amount of wall removed is minimal and will be capped with brick piers which would not look unsightly. The development as a whole has been well conceived and would not cause unacceptable harm to the visual amenity of the area.

21. In light of the above I am satisfied that b) & d) of policy TRS1 are satisfied.

Impact upon Residential Amenity

Existing Residents

22. The proposed chalet bungalow would be sited 16m from Barton Lodge to the west and 10m from Little Court to the east. This separation distance, combined with the single storey form of the dwelling and its limited ridge height, would mean that it would not appear overbearing or oppressive when viewed from these properties and their private garden areas.
23. In respect of overlooking, there are no windows in the roofslope that would overlook neighbouring properties. Only 3 velux windows are proposed in the sides of the roof and these serve the stairwell and bathroom and can be conditioned to be high level opening and obscure glazed.

Future Residents

24. The new dwelling would comply with the Technical Housing Standards for internal space for a 3 bedroom dwelling and it would comply with the Council's external amenity space standards. I consider the development would provide acceptable living conditions for future occupiers. Permitted development rights are proposed to be removed to restrict any future development.
25. Given the above, I am satisfied the development would not be harmful to residential amenity.

Highway Safety / Parking

26. The development proposes a new access onto a C classified single carriageway road (Maytham Road). Kent Highways and Transportation have been consulted and do not raise an objection. Whilst objections have been raised in respect of the new access, given its position in relation to the bend in the road, KH&T are satisfied that acceptable visibility splays can be achieved in both directions. Indeed the position of the site immediately adjacent to the 30mph zone which runs through the village and the close proximity of the bend (which will require vehicles to slow down) means the sightlines of 43m (West) x 2.4m x 50m (East) are acceptable. Furthermore the vehicle movements generated by a single dwelling would not be significant.
27. The amended scheme shows adequate parking and turning provision on site to meet the demands of the development and that accord with the Council's adopted SPD.

28. Given the above, I am satisfied the development would not be harmful to highway safety.

Human Rights Issues

29. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

30. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

31. Balancing the issues identified above, the proposal is considered to be compliant with the criteria of local development plan policy TRS1 and the criteria of the Consultation Local Plan policy HOU4 which allow for minor infilling and development in named settlements of which Rolvenden is one. No overriding harm is caused to the visual amenity of the area or residential amenity of neighbours. The scheme would not give rise to highway safety issues and KH&T raise no objection. There are no other matters that would give rise to unacceptable harm. The proposal is therefore considered to be acceptable and in accordance with the adopted Development Plan, Consultation Plan and Central Government Guidance as a whole. I therefore recommend the application is permitted subject to conditions.

Recommendation

Permit

Subject to the following conditions and notes

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. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

3. The following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall thereafter be carried out only in accordance with the approved details and thereafter be retained, as approved, unless any variation is otherwise first approved in writing by the Local Planning Authority:

a) 1:10 scale details and sections through gables; eaves; ridge; window and door reveals, cills and surrounds; chimneys and bay window.

Reason: In the interests of visual amenity and to ensure a high quality development

4. The area shown on the Proposed Site Plan Drawing No. 15/279/02 B as vehicle parking spaces shall be provided and 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) 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: In the interests of Highway Safety

5. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

6. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

7. Prior to the commencement of development, the surface of the driveway for the first 5 metres from the edge of the highway and access hereby permitted shall be provided and be of a bound surface and thereafter maintained.

Reason: In the interests of highway safety

8. No gates or barriers shall be erected across the access within 5 metres from the back of the carriageway used by vehicular traffic and details including elevations of the gates and brick piers shall be submitted to and approved in writing by the Local Planning Authority. The approved gates shall open away from the carriageway.

Reason: In the interests of highway safety.

9. The visibility splays shown on the submitted plan (Drawing No. 15/279/02 B) with no obstructions over 1.05 metres above carriage way level within the splays shall be provided at the access prior to the commencement of the development and shall be subsequently maintained at all times.

Reason: In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A- E 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

11. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20

12. The dwelling shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwelling hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the future occupiers of the development

14. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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.

15. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance.

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to address issues.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is

therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/00835/AS.

Contact Officer: Thijs Bax

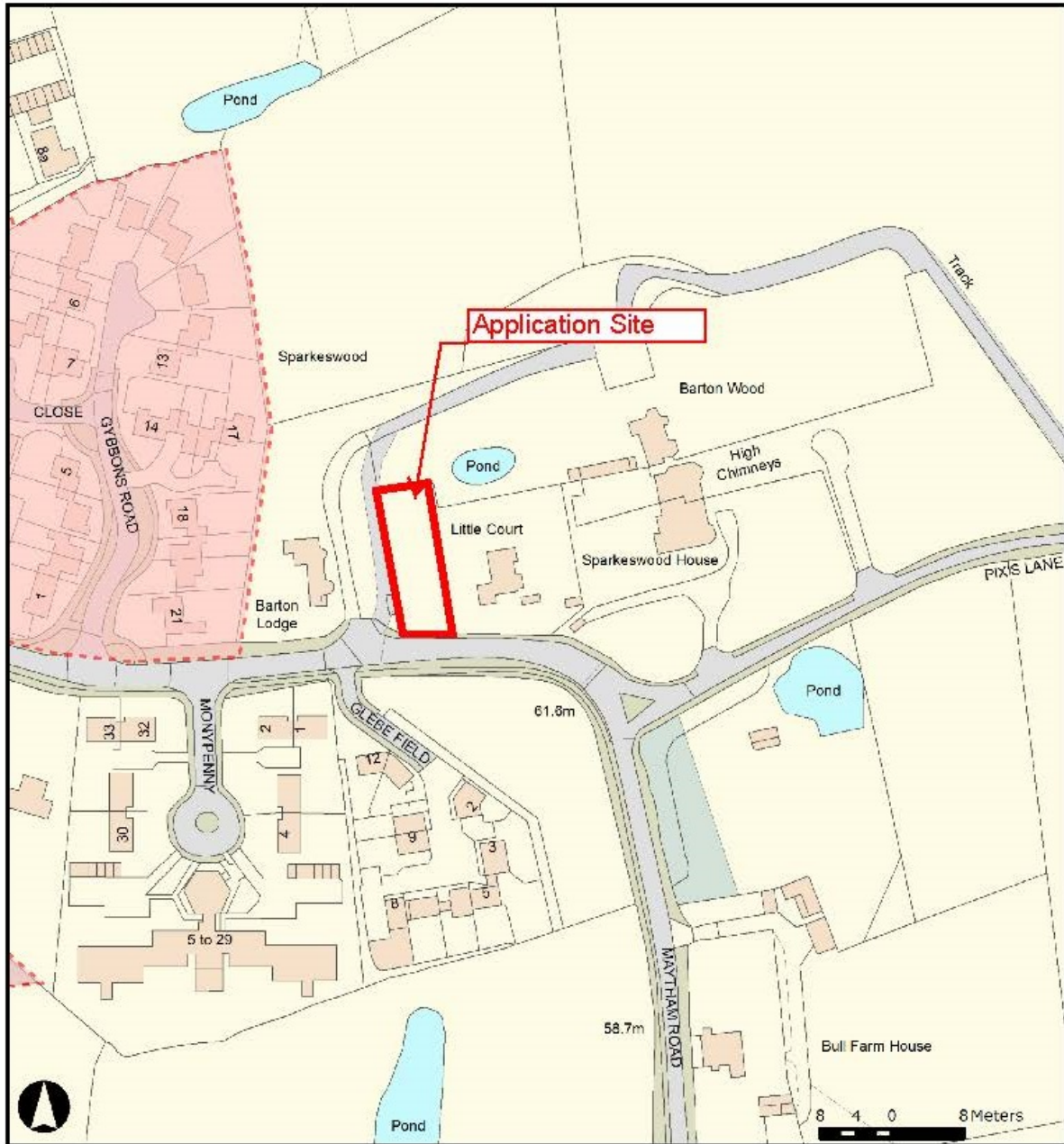
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Annex 1



Ashford Borough Council



Conservation Areas



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