
Appeal Decision

Site visit made on 10 January 2017

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2017

Appeal Ref: APP/X2220/W/16/3157140

Land next to 120 New Street, Ash, Kent CT3 2BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Wilson against the decision of Dover District Council.
 - The application Ref DOV/16/00408, dated 1 April 2016, was refused by notice dated 22 July 2016.
 - The development proposed is one detached house and garage, a pair of semi-detached houses, re-location of access and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the proposal on the character and appearance of the area; and
- whether the layout would be satisfactory in relation to highway safety.

Reasons

Character and appearance

3. The proposal is for one detached and a pair of semi-detached houses on a rectangular site on the north eastern side of New Street, one of the approach roads into the village. The site, currently laid to grass, is elevated above road level by about 3 m and lies between the rear garden of Jasmine Cottage on one side and No 120 New Street, a bungalow, on the other. The long rear garden of Hills Downe runs behind the site. On the opposite side of the road lie April Cottage and The Vineries, a recently rebuilt house.
4. Ash is a large village with a wide range of commercial and community facilities which is recognised as a local centre suitable for some development within the Dover District Core Strategy 2010 (DDCS). However, the defined settlement boundary runs along Saunders Lane on the other side of Jasmine Cottage. Consequently the appeal site lies in the countryside for policy purposes and Policy DM1 applies, which restricts new housing to that which functionally requires a rural location. However, the Council accept that it cannot demonstrate a five year supply of deliverable housing sites and therefore Policy DM1 is out of date and can only be given limited weight.

5. The Dover Land Allocations Local Plan 2015 extended the defined settlement boundary to include the line of houses opposite the appeal site as far as April Cottage, and this extension incorporates an undeveloped gap between that property and The Vineries. However, this land lies at or below road level, whereas the appeal site is about 3 m higher so the proposed houses, even though set back, would visually dominate the road. The bank along the front of the site has established hedgerow/shrub planting, part of which would be lost. Notwithstanding the presence of housing opposite, the proposal would erode the remaining verdant approach to the village, consolidate ribbon development along both sides of the road and extend the built up area further into the countryside.
6. The proposed houses would be well spaced and relatively modest, the detached house having a front facing gable and dormer window whilst the semi-detached houses would have a cottage like appearance, also with dormer windows rather than a full second storey. However, these attractive design features would not fully mitigate the visual impact of the properties, and their position on the site would only leave relatively little depth for rear gardens which would be smaller than most others in the vicinity.
7. In addition, as explained below, it is not clear whether the proposed layout would be satisfactory in terms of highway safety. No amended plans were submitted at appeal stage to clarify the issue. In the absence of agreed plans the layout of the scheme may require modification and this introduces a level of uncertainty which may in turn affect the visual impact of the proposal.
8. For these reasons the proposal would significantly harm the character and appearance of the approach to the village in conflict with Policies DM1 and DM15 of the DDCCS. These seek to prevent development outside settlement boundaries and protect the character and appearance of the countryside.

Highway safety

9. Whilst it would appear that the necessary visibility splays can be provided at the site access, the local highway authority require the gradient of the private drive into the site to be no steeper than 1 in 10 for the first 1.5 m and then no steeper than 1 in 8. In addition, the driveway behind the parking spaces should be a minimum of 6 m wide to ensure sufficient space for manoeuvring and turning so vehicles can enter and leave the site in forward gear. In the absence of amended plans showing these dimensions it is not clear if these requirements can be satisfied or what impact they might have on the proposed scheme layout. The resolution of this issue is too fundamental for this to be dealt with by the imposition of conditions.
10. It has not therefore been clearly demonstrated that the proposal would be satisfactory in relation to highway safety, and as such it conflicts with Policy DM12 of the DDCCS which seeks to avoid new access arrangements which would significantly increase the risk of crashes, the implied concern of the highway authority. Given the potential seriousness of an accident this risk should not be entertained by approval of the current scheme. There is no conflict with Policy DM13 which requires the provision of parking to be design led.

Other matters

11. The appellant has put forward an appeal decision in the nearby village of Worth¹ as a precedent, but the site specific circumstances in this case are different and these are critical to the decision.

Conclusion

12. The appeal site lies adjacent to the defined settlement boundary of Ash which has sufficient services and facilities to be recognised as a sustainable location for new development. Whilst the social and economic benefits of three additional houses would be an important advantage of the scheme, in this case these benefits are significantly and demonstrably outweighed by the environmental impact on the character and appearance of the area and the potential risks to highway safety. In these circumstances the proposal cannot be considered as a fully sustainable development and the presumption in favour of such development does not therefore apply.
13. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

¹ APP/X2220/W/15/313337