

Appeal Decision

Site visit made on 13 February 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/E2205/W/16/3164210

Little Court, Maytham Road, Rolvenden TN17 4ND

- 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 & Mrs G Oaten against the decision of Ashford Borough Council.
 - The application Ref 16/00835/AS, dated 1 June 2016, was refused by notice dated 23 September 2016.
 - The development proposed is the subdivision of plot and construction of new single storey 3 bedroom detached property with new access from Maytham Road.
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision of plot and construction of new single storey 3 bedroom detached property with new access from Maytham Road at Little Court, Maytham Road, Rolvenden TN17 4ND in accordance with the terms of the application, Ref 16/00835/AS, dated 1 June 2016, subject to the following conditions: -
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans 5493-PD-002 Revision A and 5493-PD-003 Revision B.
 - 3) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Construction Method Statement.
 - 4) No development shall commence until a scheme of sustainable drainage has been submitted to and approved in writing by the local planning authority. The sustainable drainage scheme shall be carried out in accordance with the approved details and shall thereafter be retained.
 - 5) No development shall commence until samples of the materials and finishes to be used in the external elevations and roof of the dwelling hereby approved, along with details of the site's boundary treatment, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.
 - 6) No development shall commence until details of the parking, turning facilities, access widths, gradients, surfacing, street lighting and visibility
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splays have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.

- 7) No obstruction over 1.05m above carriageway level shall take place within the visibility splays as shown on plan 5493-PD-003 Revision B.

Main Issues

2. The main issues in determining this appeal are the effect of the proposed development on:
 - (a) The character and appearance of the area; and
 - (b) Highway safety, with particular reference to visibility in an easterly direction at the access onto Maytham Road.

Reasons

The character and appearance of the area

3. The appeal site is located to the south east of the village where the development to the north side of the Maytham Road and Pix's Lane is more spacious and set within large plots. To the west of the appeal site is a single-storey dwelling, Barton Lodge, and to the east is Little Court, a two-storey house. Further to the east, west and south the development comprises a mix of single and two-storey properties.
4. Policy TRS1 of the Tenterden and Rural Sites Development Plan Document (DPD) allows for minor residential development or infilling within the built-up confines of Rolvenden provided the development would be integrated into the existing settlement and would not result in the loss of a gap that is an important characteristic of the settlement. Policies EN12 and HG3 of the Ashford Borough Local Plan 2000 resist the loss of private gardens as such open spaces can form important breaks between existing and proposed development and contribute to the setting of the village.
5. Although the development to this part of the village is more spacious, the existing and proposed dwellings would have space around them. The separation between the bungalow to the west and the two storey properties to the east would maintain the sense of openness to this part of the settlement. The proposed dwelling would also sit comfortably between these existing dwellings without appearing cramped within the resulting plot. Whilst creating built development in this side garden would partially remove a gap between existing developments, this gap is currently contained by a high brick wall which reduces the impression of openness at this part of the village. In my judgement, the proposed development would not result in significant harm to the character and appearance of the area in this particular case.
6. Policy TRS1 also requires the proposed development's layout, scale, design and appearance to be appropriate to the character and density of its surrounding area. The resulting plot sizes, space around both dwellings and overall size of the chalet bungalow would reflect that of the properties in the locality, as would the proposed chalet bungalow with its low ridge and eaves level. The area comprises a mix of designs from traditional brick properties to more recent development that incorporates weatherboard cladding. The design, being traditional, would add to the mix.

7. The front boundary wall of the side garden is long established and is set back from the highway behind areas of landscaping and access/parking. The new access would require the demolition of a section of this wall and the removal of some landscaping. Overall these changes would not be significant in the context of the appearance of the area.
8. The appeal site falls within the High Weald Area of Outstanding Natural Beauty (AONB). Policy HOU4 of the Ashford Local Plan ensures its protection. The proposed development, being located within the existing settlement would not significantly undermine the scenic beauty of the wider AONB. Furthermore, the proposed dwelling would not encroach upon the wider countryside, ancient parkland or Rolvenden Conservation Area
9. Overall, I conclude that the proposed development would not harm the character and appearance of the area and, for the reasons given, would not materially conflict with Policies EN12 and HG3 of the Ashford Borough Local Plan 2000, Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008 (the Core Strategy), Policy TS1 of the Tenterden and Rural Sites DPD 2010 and Policies HOU4 and HOU10 of the Ashford Local Plan 2016.

Highway safety

10. There is a right angled bend in the highway a short distance east of the appeal site. I observed that traffic slows on the approach to the bend when travelling in both directions. At the eastern approach to the village and in close proximity to the point where the new access is proposed, the traffic is limited to 30mph. On leaving the village traffic speeds would not increase significantly due to the proximity of the bend. Traffic approaching the village along Maytham Road would be slowed by the bend and the existing 30mph restriction adjacent the proposed site access.
11. The new vehicular crossover would require the existing frontage vegetation to be removed. It was clear to me that good forward visibility would be achieved towards the highway bend despite there being vegetation and a pedestrian footpath on the inside of the bend and a shortfall of 12.5m in the desired length of the easterly visibility splay. This visibility, combined with the reduced speed of cars travelling in both directions in the vicinity of the appeal site, whether in wet conditions or not, would not, in my opinion, give rise to significant highway hazards. In addition, vehicle movements generated by the occupiers of a single dwelling and associated visitors would not be that substantial or create a significant amount of additional right turn manoeuvres.
12. My attention is drawn to a report produced to inform a development close by at Bull Farm. That development incorporated an access on to Pix's Lane (planning application ref 15/00823/AS) where vehicular traffic wet weather speeds were assessed in relation to the highways in the vicinity of this appeal site. Whilst the report related to a different site, the Council contend that the speed surveys should be taken into account in respect of this proposed development. Furthermore, the Council suggests that the easterly visibility splay would not comply with the guidance contained within Manual for Streets. I have also been made aware of a recent road traffic accident in the vicinity of the bend but I have not been provided details pertaining to the particular circumstances of this event. Notwithstanding these matters, Kent Highways and Transportation has not requested speed surveys to be carried out and has advised that the proposed visibility splays are acceptable to them commenting

that these would not cross third party land. I have no reason to come to a different view.

13. Overall, I conclude that the proposed development would not harm highway safety and, for the reasons given, would not materially conflict with Policies CS1 and CS9 of the Core Strategy 2008 which require development to respond positively to permeability and ease of movement.

Other Matters

14. With regards to neighbours' concerns in respect of their living conditions, the limited height of the proposed dwelling and its separation distance to surrounding properties would ensure that the proposal would not have an overbearing impact upon the occupiers of adjoining properties. Furthermore, surrounding boundaries would prevent overlooking of adjoining dwellings. In addition, the rooflights would direct outlook skyward and would not cause overlooking to neighbouring properties. I am satisfied that the proposed development is acceptable in this respect.
15. Kent Highways and Transportation has confirmed that adequate car parking spaces and turning can be provided within the site for vehicles to leave in a forward gear. I am satisfied that the scheme would be acceptable in respect of parking.
16. None of these matters alter my conclusion that the appeal should be allowed.

Conditions

17. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
18. A condition relating to construction work is necessary to ensure the protection of the living conditions of adjoining occupiers. I consider a condition relating to a sustainable drainage system is necessary to protect against flooding in the area. A condition relating to materials is appropriate in the interests of the character and appearance of the area, as is a condition relating to parking, turning facilities, access widths, gradients, surfacing, street lighting, and visibility splays but this condition is also necessary in the interests of general highway safety. These conditions are fundamental to the acceptability of the proposal and, therefore, are necessary to be agreed before development takes place. A condition preventing obstruction of visibility splays is necessary in the interests of highway safety.

Conclusions

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR