
Appeal Decision

Site visit made on 4 April 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 24 April 2017

Appeal Ref: APP/E2205/W/16/3166340

Land fronting Hampden Lane and to east of 96A Kingsnorth Road, Ashford, Kent TN23 6HU

- 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 Ms Bushra against the decision of Ashford Borough Council.
 - The application Ref 16/01186/AS, dated 2 August 2016, was refused by notice dated 14 October 2016.
 - The development proposed is erection of new single storey two-bedroomed dwelling (resubmission – 16/00328/AS refers).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the surrounding area; and
 - whether the proposed development would affect ecology and biodiversity in the area.

Reasons

Ecology and biodiversity

3. There is limited information before me on the ecological value of the site. However, the Council indicate protected species may be present on the site or land adjacent. The site is currently overgrown scrub and may provide suitable refuge for protected species, with an area of allotments adjacent. As such, the site is reasonably likely to have some significance either in its own right or in combination with the adjacent allotments in terms of providing habitat for protected species.
 4. National Planning Practice Guidance (PPG) and Circular 06/2005: Biodiversity and Geological Conservation confirm that surveys should be carried out prior to planning permission being granted where there is a reasonable likelihood of a protected species being present and affected. Policy CS1 of the Ashford Borough Council Core Strategy (CS) and Policy EN31 of the Ashford Borough Local Plan (LP) seek to protect the natural environment, including important habitats.
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5. Should protected species be found on the site, it is possible that the development could not go ahead in its proposed form. On that basis, this issue could not be appropriately dealt with by condition.
6. In conclusion, without an appropriate ecological survey of the site, insufficient information has been provided to conclude whether the proposed development would comply with the National Planning Policy Framework (the Framework), Circular 06/2005, Policy CS1 of the CS and Policy EN31 of the LP. Although I understand that this was not referred to in the refusal of an earlier application and was not requested during the application process, but in the absence of that information I have to conclude that the development would affect ecology and biodiversity in the area.

Character and appearance

7. Hampden Lane is a narrow lane that extends between houses fronting Kingsnorth Road through an area of residential development and allotments to an industrial estate. That part closest to the junction with Kingsnorth Road is particularly narrow, with the listed Beaver House set close to one side of the road to the rear of houses fronting Kingsnorth Road and Beaver Cottage, also listed, a short distance away on the opposite side of the road. Neighbouring Beaver House is the small development of Thomas Close that comprises terraced houses set close to the road. Overall, the area has a diverse character.
8. The land to the rear of 96A Kingsnorth Road is currently an overgrown area with a post and rail fence separated from no. 96A and over Hampden Lane from Beaver House. Like Beaver House, the site has little depth from the road such that the development proposal would result in a house close to the Hampden Lane, with the private garden and parking areas to either side of the house and adjacent to the road, that would provide a spacious appearance around the proposed building.
9. The layout would result in a similar relationship to Hampden Lane as that of Beaver House, although the proposed building would be single storey, such that it would be subservient to that building. To the rear of Beaver House is a small mews of bungalows, surrounding their communal parking area. Whilst there are no similar developments to the rear of houses fronting Kingsnorth Road on the opposite side of Hampden Lane where the appeal site is situated, such development would reflect the character and appearance of the surroundings.
10. For these reasons, I conclude that the proposed bungalow would not harm the character and appearance of the area. As such, it would comply with Policies CS1 and CS9 of the CS and the Framework that seek to ensure development is of a high quality of design that respects the context of the site. The Council also refer to Policy EN12 of the LP, but the site does not form an important break between existing and proposed development and does not make an important contribution to the setting of groups of buildings.

Other matters

11. The listed buildings of Beaver House and Beaver Cottage are separated from the site by the allotments and Hampden Lane. The proposed dwelling would be

a modest bungalow that would be subservient to those buildings, such that it would not have an adverse impact on the setting of those listed buildings.

12. My attention has been drawn to the alleged lack of a 5 year housing land supply that is not disputed by the Council. The benefit of one extra dwelling, even in the face of the shortfall in housing land supply, can only carry limited weight compared with the identified harm.
13. The Framework sets out a presumption in favour of sustainable development, which has three dimensions that must be considered together, being economic, social and environmental. The adverse environmental impact of the proposed development arising from the lack of an appropriate ecological survey significantly and demonstrably outweighs the social and economic benefits, including the provision of a single dwelling, when assessed against the provisions of the Framework as a whole.

Conclusion

14. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR