



Appeal Decision

Site visit made on 27 June 2019

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/E2205/W/19/3224565

Land to rear of 33 – 39 Birling Road, Ashford, Kent

- 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 J Ireland against the decision of Ashford Borough Council.
 - The application Ref 18/01485/AS, dated 7 October 2018, was refused by notice dated 5 December 2018.
 - The development proposed is described as private garage for the storage of caravan, car and other household items.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the planning application was refused the Ashford Local Plan 2030 (Local Plan) has been adopted and replaces the Ashford Borough Council Local Development Framework Core Strategy 2008 (CS) and Policies SP1 and SP6 of the Ashford Local Plan 2030 – Submission Version (Draft LP). The Council has confirmed that Policies CS1 and CS9 of the CS and Policies SP1 and SP6 of the Draft LP have effectively been replaced by policies SP1 and SP6 of the Local Plan. The Appeal has been determined on this basis and it is noted that both parties have had the opportunity to comment on the newly adopted policies in their appeal documentation.
3. Also, since the planning application was determined the National Planning Policy Framework 2018 has been replaced by the National Planning Policy Framework 2019 (Framework). Concerning character, appearance and highway safety, in relation to the appeal proposal, I am satisfied that it introduces no material changes to the National Planning Policy Framework 2018.

Main Issues

4. The first main issue is the effect of the proposal on the character and appearance of the surrounding area. The second main issue is the effect of the proposal on highway safety.

Reasons

Character and appearance

5. The Appeal site comprises part of a large 'backland' site that is subdivided into smaller plots, some of which contain garages and other buildings and part of the overall site is used as an allotment. The whole of the 'backland' site is bordered by a narrow vehicular access drive, which provides pedestrian and vehicular access to the 'backland' site, although part of the driveway is currently overgrown and in its current state only provides pedestrian access. The access drive also provides pedestrian and vehicle access to the rear gardens and garages which serve the terraced and semi-detached houses located around the 'backland' site.
6. The garages and other buildings within and surrounding the 'backland' site are typically modest in their form, size and appearance. The larger metal sheet clad building located close to the appeal site is quite distinct but nonetheless is visually lightweight and does not look out of place close to the allotment area.
7. The appeal site comprises one of several plots within the 'backland' site that are overgrown with brambles and inaccessible. It fronts onto a section of the access drive that is similarly overgrown and currently inaccessible by cars. With the proposal the appeal site would be cleared and a storage building, which would occupy a significant proportion of the site, would be constructed. This building would have brick walls, with some vertical timber tile hanging and an interlocking concrete tiled roof. At the front of the building would be a large roller shutter door and a small access door.
8. In terms of design the proposed building is functional and due to its combined size, detailing and materials the proposed building would have the appearance of a commercial storage building, rather than a domestic garage or outbuilding. It would be visually hard, prominent and out of keeping with the low key domestic character and appearance of the 'backland' site and the adjacent rear garden environment. At the same time the building would have an urbanising impact on the 'backland' site, which currently contributes to the informal and verdant domestic setting of the adjacent dwellings and the locality. The situation would be exacerbated by the provision of any vehicular accessway to the front of the proposed building.
9. Whilst the proposed building would not be visible from Birling Road, the harm that would be caused to the character and appearance of the surrounding area, which is used and viewed by local residents, would outweigh the benefits of providing a private storage building and of bringing the site back into active use. This harm could not be satisfactorily dealt with by the imposition of conditions.
10. Finally, it is noted that reference has been made to the Council's Domestic Garages and Outbuildings in Urban and Rural Areas, Supplementary Planning Guidance No. 9, 2004. However, the first paragraph of SPG9 clearly states that the guidelines within it are intended for people who want to build garages and outbuildings within the curtilage of their dwellings. As the proposed

garage is not within the curtilage of the dwelling it is to serve, the guidance is not directly applicable to the proposal and so I give no weight to it.

11. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the surrounding area. As a result, it would conflict with Policies SP1 and SP6 of the Local Plan. Together and amongst other things these Policies seek to ensure that new development is of the highest quality design; promotes a positive sense of place, which responds to the prevailing character of the area. It would similarly conflict with the environmental objective of sustainable development and the Framework, which seeks to ensure that new development is visually attractive and adds to the overall quality of the area, whilst making effective use of land.

Highway safety

12. Currently, it would not be possible to access the appeal site by car, due to the narrow width of the access track. The hedges and brambles on both sides of the track would need to be cut back even to facilitate a small car. The track falls outside the appeal site and it has not been stated whether the appellant has any legal rights relating to the track, or its maintenance. Had I found in favour of the appellant on the first main issue this is a matter I would have sought further views from the appellant and the council.
13. On the assumption that the access track could be widened to a sufficient width for vehicles and a caravan to access the site, the proposed building would be positioned six metres back from the site's frontage, which would enable cars and vans to stop clear of the track. If the proposed building was actively being used, any vehicles would likely need to be reversed into the access track. Due to the limited width of the track any manoeuvres would likely be undertaken slowly and any approaching vehicles would be travelling slowly. As such, this would not have a materially adverse impact on highway safety.
14. The use of the proposed building would add to the level of traffic using the private access track and its junctions with Birling Road. In view of the restricted width of the track, with limited passing places, this could well lead to vehicles either reversing onto or waiting within Birling Road. However, it is proposed that the building would be used for private personal storage and not for any workshop/hobby or commercial storage use. Subject to this, which is something that could be secured through the imposition of a condition, the proposed use would likely be a low generator of vehicular traffic.
15. The likely number of times that vehicles would need to reverse into Birling Road to accommodate traffic generated by the proposed use would likely be minimal. In addition, the size of any vehicles used to gain access to the site would be limited by the narrow width of the access track immediately to the front of the appeal site. Smaller vehicles are better able to make use of the few informal passing places along the access track. As a consequence of these factors the proposal would be highly unlikely to have an unacceptable impact on highway safety.
16. The Council has expressed concern that the proposal could set a precedent for further garages within the 'backland' site which would result in a material increase in vehicular traffic. I agree that the access track has limited potential to accommodate additional traffic without having a materially adverse impact on highway safety, particularly at the junctions with Birling Road. However, in

itself, the proposal would not result in such harm and the proposal is not comparable to a proposal for a block of garages to serve local residents. I have therefore dealt with the appeal proposal on its individual merits, having regard to likely existing traffic levels and in accordance with the provisions of the development plan.

17. I conclude on the second main issue that the proposal would not have a materially adverse impact on pedestrian or vehicular highway safety. It would therefore comply with policy S6 of the Local Plan which requires proposals to take account of public safety and ease of movement. It would also comply with paragraphs 108 to 110 of the Framework which deal with highway safety.

Conclusion

18. Whilst I have found in favour of the appellant in relation to the second main issue, my conclusion on the first main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR