



Appeal Decision

Site visit made on 18 June 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2019

Appeal Ref: APP/E2205/W/19/3225552

Millgarth, The Hill, Charing, Ashford, Kent, TN27 0LU

- 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 Charing TN27 Limited against the decision of Ashford Borough Council.
 - The application Ref: 18/00662/AS dated 30 April 2018 was refused by notice dated 8 November 2018.
 - The development proposed is the demolition of an existing dwelling and the erection of 2 x dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is another appeal for two dwellings on this site which differs principally in the detail of its design. As the proposals are on the same site, some of the commentary under my reasons for each proposal is similar. However, I have considered each particular proposal separately and on its individual merits.
3. The Ashford Local Plan 2030 (ALP) was adopted in February 2019, subsequent to the determination of the application. The ALP has superseded the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008) and the Tenterden & Rural Sites DPD (2010). These saved policies therefore now have no weight, and I have decided the appeal with regard to the ALP. The National Planning Policy Framework (the Framework) was revised in February 2019 and I am considering this appeal against this current version.
4. The ALP contains two policies specifically relating to residential windfall development. Policy HOU3a applies within the built-up confines of the settlements named in the policy and presumes in favour of residential development and infilling provided certain criteria are satisfied. Policy HOU5 applies in the countryside and presumes in favour of residential development adjoining or close to the existing built-up confines of the settlements named in that policy provided certain criteria are satisfied. Both policies identify Charing as a settlement to which they apply.
5. The supporting text to Policy HOU3a explains that 'The traditional approach to defining settlement confines in the Borough has been to rely on a written definition, rather than a boundary line drawn on a map'. The Plan defines the built-up confines of a settlement as 'the limits of continuous and contiguous development forming the existing built-up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g garden areas)'.
6. The Council's reason for refusing the proposed development refers to Policy HOU5. However, the Planning Officer's Report states; 'The application site is considered to

form part of the built-up confines of Charing as the site forms part of ribbon development on the edge of Charing'. The Report also states that the site is 'within the limits of continuous and contiguous development forming the existing built up area of Charing village'. I agree with these statements. Furthermore, I am aware from my handling of another appeal for this site that a subsequent application for a revised proposal was refused as being contrary to Policy HOU3a. I therefore consider that, of the two policies, Policy HOU3a is the relevant policy for the determination of this appeal.

7. The criteria of Policy HOU3a are different to those of Policy HOU5. However, both policies contain similar criteria relating to character and design and the appellant has addressed Policy HOU3a in their Statement for this appeal. I therefore consider that this approach would be without prejudice to either of the main parties.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the size and form of the proposed dwellings.

Reasons

9. The Hill is located on the edge of Charing with the properties on the east side backing on to the countryside. It is characterised by large, detached, predominantly 2 storey, dwellings of varying architectural styles set apart from each other and back from the road in substantial, spacious plots. There is an abundance of vegetation along either side of the road, with most properties fronted by lawns, trees, shrubbery and mature hedges. The size of the plots, setting back of the houses, the gaps between them and the established vegetation all contribute significantly to the character and appearance of the area.
10. The appeal site accommodates a bungalow and detached garage. They are unobtrusive, sitting comfortably on their plot set back from the neighbouring properties and from the road behind a mature hedge. Although the dwelling is not of the 2-storey form prevailing in the locality, the appeal site conforms with the pattern of development along The Hill and contributes positively to the overall character of the area.
11. The proposed development includes the demolition of the bungalow and garage, the construction of a pair of semi-detached dwellings and the formation of a new access with parking area. The proposed development would be substantially wider than the existing bungalow and extend across most of the appeal site. The appellant has provided evidence on the plot coverages across the frontages of nearby dwellings on the eastern side of The Hill. This demonstrates that the plot frontage coverage of the appeal scheme would be at the high end of the range and substantially more than a number of properties on The Hill. Furthermore, the visual impact of two of the properties identified as having a greater plot coverage across the frontage than the appeal proposals is reduced by being partly single storey (Ripperston) or set back significantly further from The Hill than the proposed development (Wessex House).
12. The appellant has also provided evidence which demonstrates that the gaps between the proposed development and their neighbouring properties are comparable with the size of the gaps between other dwellings along The Hill. However, I consider that, in the context of the spaciousness of most of the other properties on The Hill, the extension of 2.5 storey form across such a large proportion of the site would appear cramped. This impression would be reinforced by the proposed retaining walls to either side of the proposed development which effectively define the visual limits of the plots.
13. The height and bulk of the proposed development would be emphasised by the large dormer windows in the front-facing roof slope. I consider that it would be incongruous

in the street scene due to its form and width across the appeal site frontage. Furthermore, the plot sizes of the proposed development would be significantly smaller than most others in the vicinity and consequently be at odds with the established pattern of development.

14. I therefore conclude that the proposed development would be detrimental to the character, appearance, distinctiveness and sense of place of the area due to its width relative to the appeal site, plot size, height and overall bulk. Accordingly, I consider that the proposed development would be contrary to Policy SP6 of the ALP, which requires development proposals to demonstrate a consideration of and a positive response to character, distinctiveness and sense of place, and Policy HOU3a, which requires development to be of a layout, design and appearance that is appropriate to and compatible with the character of the surrounding area. I attach great weight to these policies as according with the approach and intent of the National Planning Policy Framework.

Other Matters

15. Planning permission was granted in November 2016 for the demolition of the existing dwelling and erection of a 2-storey 5-bedroom house on the appeal site. I consider this to be a realistic fallback position. The proposed development would be approximately 0.46 m higher at its highest point and approximately 2.2 m wider across the front than the permitted dwelling. It would therefore have a significantly greater bulk presented to the front than the permitted dwelling, which represents a clear distinction between the permitted dwelling and the proposed development.
16. The Framework promotes and supports the effective and efficient use of land in meeting the need for homes. The Framework also emphasises the importance of avoiding homes being built at low density where there is an existing or anticipated shortage of land for meeting identified housing needs. These lend support to the proposed development. However, the Framework is clear that making more effective and efficient use of land should not be at the expense of local character and I have no evidence that there is a shortage of land for housing in the Council's area.

Conclusion

17. The fallback position and the policies of the Framework relating to the effective and efficient use of land lend some weight to the proposed development. However, I consider this to be insufficient to outweigh the harm to the character and appearance of the area and consequent conflict with the adopted development plan as I have identified above.
18. I therefore conclude that the appeal should be dismissed.

Martin Small

Inspector