
Appeal Decision

Site visit made on 19 July 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/E2205/W/19/3223270

Land off Chessenden Lane, Smarden, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Keighley Investments Ltd against Ashford Borough Council.
 - The application Ref 18/00444/AS, is dated 15 March 2018.
 - The development proposed is erection of 8No new-build dwellinghouses (C3) and associated works.
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Decision

1. I dismiss the appeal and refuse planning permission for the erection of 8No new-build dwellinghouses (C3) and associated works.

Main Issues

2. These are;
 - The effect of the proposals on the character and appearance of the area.
 - The effect of the proposals on the living conditions of existing residential occupiers with particular regard to noise and disturbance.
 - The effect of the proposals on protected species.

Reasons

Policy

3. The Ashford Local Plan 2030 was adopted in February 2019 and Policy HOU5 concerns residential windfall development in the countryside, which applies to this proposal on this site. The Policy states that proposals for residential development adjoining or close to the existing built-up confines of Smarden will be acceptable provided each of 6 criteria are met. Policies SP1 and SP6 refer to strategic objectives and promoting high quality design, whilst Policy ENV3a details matters for which particular regard is to be demonstrated, according to the landscape significance of the site. Policy ENV13 seeks the conservation and enhancement of heritage assets and their settings, and Policy ENV14 is stated to be specific to development within conservation areas which should not prejudice important views into or out of the area. However, the proposal is not within the Smarden Conservation Area and the Council's Questionnaire answers 'no' to the questions on being adjacent to the designated area or affecting the setting of listed buildings. Biodiversity is the subject of Policy ENV1.

4. Paragraph 110 of the 2019 National Planning Policy Framework states that development should give priority first to pedestrian and cycle movements, while paragraph 124 makes clear that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions as set out in paragraph 130.

Character and Appearance

5. The red-edged site area includes a neck of land linking the area of the proposed built development to a parking and turning area at the end of Chessenden Lane, just past the point where a further development of Dadson Court diverges. There is an area shown as blue edged land to the north-west. Whilst there would be a physical link for pedestrians and vehicles to Chessenden Lane, the development would risk appearing isolated from the grain of the village settlement and the built form within it. The link to the highway would appear over-long and poorly related to the existing built form.
6. Within the site there would be a perimeter development of the proposed 8 houses, and as a somewhat separate development, the design of the various house types would sit well together, albeit not sharing the design features of the older development through which the access would be taken. Whilst the Council is critical of this difference, the older houses and bungalows are 'of their age' and do not provide a strong design precedent that need be taken forward in any new development. The distance between adds weight to this finding.
7. However, the perimeter arrangement leads to a large area of hardstanding in the centre and the swept-path analysis for a refuse truck indicates only a relatively small part of that area to be required for the necessary turning movement. It could be that a larger vehicle might be present occasionally such as a removals lorry, but that would still not justify the full area of hardstanding or manoeuvring space. The resulting arrangement of car parking to each plot would further extend the appearance of a development where the car and its needs would appear to take visual precedence over landscaping and the needs of pedestrians. Whilst conditions could seek to address the former, the layout of the dwellings would be poorly arranged and poorly related to each other.
8. The *cul-de-sac* nature of the layout does not indicate any alternative links or through routes for pedestrians despite the proximity at the south-eastern boundary of a public right-of-way, and the lack of a more direct link to the village centre and its facilities, described by the Council as a sustainable location, other than by way of the existing turning and parking area and despite the pedestrian link to Green Lane, would risk the development being perceived as separated and not well-integrated with the village.
9. Comparison has been made with the Dadson Court arrangement, and it does appear to be the case that this modern development projects visually into the countryside and has a limited permeability, although the footpath just referred to does cross the access road and runs next to some of the dwellings. Nevertheless, limited weight attaches to this other than it defining the extent of built form on this side of the village, a fact that would be reinforced with the

development of the 'recently approved scheme' shown on Figure 1 of the appellant's Final Comments.

10. Looking specifically at the criteria in Policy HOU5; a), b), c), d) and parts of f) are, or can be met, although the landscape buffer to the countryside in f)iii) relies on rear gardens and the maintenance of the existing belt of hedging and trees along the footpath, and the need under sub-section iv) to be consistent with existing development should not be determinative due to the nature of the neighbouring built form.
11. To conclude on this main issue, whilst the density of development is stated to be not as high as at Chessenden Lane or Dadson Court, the perimeter development of this small and constrained site has led to a predominance of hard landscaping and vehicular areas which would not be sufficiently softened or disguised through soft landscaping. The proposal would not reach the standard sought in the Framework and would fail to satisfy the aims of Policies SP1, SP6 and ENV3a criterion e) on the pattern and distribution of settlements, roads and footpaths, and would not satisfy Policy HOU5 criterion f) on a requirement for high quality design.

Living Conditions

12. The appellant explains the history of land ownership and the reasons for the gap left between the bungalows at numbers 14 and 15 Chessenden Lane. A 'grasscrete' hard track runs between them leading to an area behind the bungalows that does not appear to be allocated to either of the existing dwellings, but due to the limited boundary treatment, appears visually contiguous with the cultivated gardens. It is further explained that another scheme proposes the demolition of one of the bungalows which would allow a larger gap.
13. Be that as it may, the proposal now is to serve 8 dwellings through the gap, which would entail vehicles passing close to the flank elevation of the two nearest bungalows and their front and rear gardens. Whilst the flank elevations have limited openings, and whilst the front garden is very public but still away from existing vehicle movement and parking, the rear gardens appear to be relatively small and there are windows on both front and rear elevations that are close to the gable end.
14. The Council refer to a difference in level and the risk of vehicles being noisier as a result. There is a rise up to the carriageway but the link through the gap is reasonably flat, and modern cars would not need to struggle at all, but the likely slow speed dictated by the geometry and narrowness of the access could result in a more prolonged passage time and slow speed in a low gear.
15. Taking all of these matters into consideration, with due allowance for the small scale of the 8 dwelling scheme, albeit family houses, the conclusion is that the arrangement proposed would risk causing planning harm to the living conditions of the occupiers of numbers 14 and 15 contrary to criterion f)v) of Policy HOU5 such that there would no longer be a good standard of amenity for the nearby residents. As a result the proposal fails to match the requirements for good design set out in the Framework.

Protected Species

16. The appellant has provided information on attempts to answer concerns expressed by Kent County Council Ecology in their response of August 2018, and in particular the Arbeco Report of October 2018. This matter will be considered further in the Planning Balance and Conclusions to this Decision, which follow.

Planning Balance and Conclusions

17. The proposal would provide family housing adjacent to existing residential uses in a sustainable location, albeit outside the settlement boundary. This would further the Government's objective stated in paragraph 59 of the Framework of significantly boosting the supply of housing. The requirements of Policy ENV1 on biodiversity appear to have been addressed but not formally approved, and were all else acceptable, further enquiries could have been made to be certain of the County Council's position.
18. However, the design and layout would cause visual harm through the predominance of hardstanding and an over-dominance of vehicles and space allocated to their parking and movement, and the means of access to the highway would risk causing real and serious harm to the living conditions of residents either side of the roadway.
19. The Local Plan has been recently adopted on the basis of their being a 5.3 year supply of housing sites, and although the appellant casts doubt on the levels of deliverability and refers to the Local Plan Inspector's description of the supply as being 'marginal', there is no overriding reason to set aside policies at both local and national level which seek high quality design and layouts. For the reasons given above it is concluded that the appeal should be dismissed, and planning permission refused.

S J Papworth

INSPECTOR