
Appeal Decision

Site visit made on 27 June 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/E2205/W/19/3222659

5 Kings Avenue, Ashford TN23 1LU

- 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 Simon Ross against the decision of Ashford Borough Council.
 - The application Ref 17/01589/AS, dated 16 October 2017, was refused by notice dated 7 January 2019.
 - The development proposed is the construction of seven 2 bedroom apartments and a 2 bay car port.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application the Ashford Local Plan 2030 February 2019 (LP) has been adopted. The LP has superseded all policies from the Ashford Borough Local Plan June 2000 and the Ashford Borough Council Local Development Framework Core Strategy July 2008 and the parking standards set out in the Residential Parking and Design Guidance SPD October 2010. I have determined the appeal with the newly adopted Local Plan in mind.
3. The description of the development on the application form refers to nine apartments; this has been updated by subsequent documents to seven units and I have dealt with the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and on highway safety, with particular regard to parking arrangements and access for emergency vehicles.

Reasons

Character and appearance

5. The appeal site is a vacant parcel of land that narrows towards the middle and then opens again at the rear. It lies adjacent to the railway line and bridge linking Kings Avenue and Carlton Road. The surrounding area is a mixture of residential properties primarily to the east and industrial premises on the opposite side of the railway line.
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6. The appeal proposal can be broken down into 2 main elements, with a building containing 2 units on the frontage adjacent to 5 Kings Avenue (labelled A on the site layout plan) and two buildings containing flats (B and C) and a separate carport further into the site.
7. The 2-unit element would be positioned to reflect the front and rear building lines of no.5. The overall mass and height would reflect other properties in the area and the elevations would incorporate appropriate detailing and variations in the materials to provide interest on this prominent corner. Adequate levels of amenity space would be provided in the form of a rear garden and balcony for the first floor unit. Overall I consider that the dwellings would be compatible within the context of the area and sympathetic to the surrounding built environment.
8. The two blocks of flats would have more limited public impacts, being only visible in glimpses from the street scene along the access drive. Given their appropriate 2/3-storey scale and their distance from Kings Avenue I consider that they would not result in harm to the wider neighbourhood.
9. However, when viewed from the driveway to the front of buildings B and C the close proximity of the buildings to each other would reveal a cramped form of development with insufficient space separation between the 2 elements. This unacceptable juxtaposition would be exacerbated by the siting of the 2-bay car port in the narrow gap between the buildings, therefore offering no visual relief and resulting in an oppressive and constrained environment.
10. In other respects I consider that satisfactory amenity areas would be provided with balconies to the upper floor units and gardens to the side and rear. I find that the separation of the buildings to these borders would allow for an acceptable sense of space to be retained, and that subject to appropriate landscaping the gardens would be secluded and pleasant. The nearby boundary trees would further add to the verdant setting.
11. I acknowledge the comments from the Council regarding the density of the scheme in comparison to those properties in the immediate vicinity, and that the appeal proposal would be of a higher density. However, I have had regard to the location in a multifaceted setting where the overall density would be in line with that of other properties in the wider area, and I therefore afford this argument limited weight. Moreover, I consider that the introduction of flats of this type into the area would be not be unacceptable given that they are of an acceptable design and appearance.
12. I also note the Council's objection to the creation of buildings in a backland setting accessed by a cul-de-sac with the need for more hard landscaping and parking areas. I acknowledge the predominant linear pattern of buildings fronting the street in the area, however some of the modern properties in Kings Avenue are separated from the highway by communal parking areas or amenity strips and one building is situated in a backland setting between dwellings in Kings Avenue and Western Avenue, being accessed by a private drive. The appeal proposals would not be markedly at odds within this context and I therefore find that the principle of this layout would not be unacceptable in this location. I also bear in mind that buildings B and C have limited effects on the public domain and that had I allowed the appeal conditions could be imposed to ensure a satisfactory appearance in respect of materials and detailing.

13. I therefore conclude that the close proximity of buildings B, C and the carport would result in a cramped form of development that would harm the character and appearance of the area. The proposal would be contrary to Policies SP1, SP6 and HOU3a which seek to ensure the highest quality design and development that is of an appropriate layout and appearance. It would also be conflict with the relevant paragraphs of the National Planning Policy Framework (the Framework) which state that good design is a key aspect of sustainable development.

Highway safety

14. The scheme before me provides 7 parking spaces and 3 visitor spaces for the 7 units. Policy TRA3a of the LP outlines the number of parking spaces required for residential development, based on the number of bedrooms and location within the Borough. I note that the requirements are based on minimum parking standards, however the policy states that in exceptional cases proposals may depart from the standards in order to take account of specific local circumstances that may require a lower level of parking provision, including as a result of the development site's accessibility to public transport, shops and services. In this respect the site is located within walking distance of Ashford town centre and a local bus stop, and in my view is in an accessible location where standards could be applied flexibly.

15. I observed during my site visit that the area is a dense residential environment with high levels of on street parking in bays subject to time restrictions and a permit scheme. The proposed access has good visibility in both directions along Kings Avenue and Sackville Crescent. At the time of my visit, on a Thursday at lunchtime, on street parking spaces were available close to the appeal site. Whilst I accept this is only a snap shot in time, it is an indication that on street parking is not difficult to achieve during the daytime on a weekday. I do not consider that the potential loss of 4 on-street bays to achieve the necessary splays from the access would place undue stress on the local road network.

16. The Framework states that the use of sustainable transport should be encouraged and I am satisfied that given the location it is likely that a reasonable proportion of tenants will not need access to a car or a residents' permit. As such, whilst I note that future occupants of this scheme may not be eligible to apply for residents' permits, I consider that the Council's concerns in this regard are unfounded. Moreover I have not been presented with any robust evidence of safety issues associated with the access to the appeal site or its proximity to the signal-controlled, bus-only bridge between Kings Avenue and Carlton Road. I also note the lack of an objection from the Local Highways Authority in respect of highway safety, capacity and efficiency.

17. Therefore I do not consider that the proposal would result in a material shortage in parking provision off road in this location. Nor has it been demonstrated that even if there was a material deficiency it would have a harmful effect on highway safety. As a matter of judgement, I therefore consider that the provision of the 7 spaces and 3 visitor spaces within the site is adequate for the use.

18. The Council is also concerned that the access to the site is very constrained and would prevent emergency vehicles entering and exiting the site. Nevertheless, I note the consultation response from the Kent Fire and Rescue Service which states that provided both buildings B and C incorporate domestic sprinkler

systems then the proposals would be considered satisfactory. This matter could be adequately addressed through the imposition of a condition. I also note the absence of an objection from the Local Highways Authority to the width of the access and driveway for two vehicles to pass each other in opposite directions. I am satisfied that this could be achieved without causing vehicles to wait in the carriageway for others to egress the site.

19. I conclude that the proposal would not result in harm to highway safety, with particular regard to parking arrangements and access for emergency vehicles. The proposal therefore broadly accords with Policies SP6 and TR3a of the LP, which seeks to promote ease of movement for vehicles and to provide parking in accordance with parking standards. The proposal is also consistent with the relevant paragraphs in the Framework which seek to ensure development does not have an unacceptable impact on highway safety.

Other matters

20. In reaching my decision, I acknowledge those matters that have been advanced in support of the development; there would be no adverse impacts on the living conditions of the occupants of neighbouring houses; the previous appeal allowed in 2005; there would be no displacement of employment, leisure or community uses; and the proposal would result in the provision of additional housing on a previously developed site in an accessible location in close proximity to local facilities and infrastructure. However, these matters would not outweigh the harm that I have identified above.
21. Whilst not forming part of the reasons for refusal, the Council is concerned that the development would result in harm to the living conditions of future occupants of the development with regard to privacy and overlooking. However, as I am dismissing the appeal for other reasons there is no need for me to reach a finding on this issue.

Conclusion

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

C Hall

INSPECTOR