
Appeal Decision

Site visit made on 18 September 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/E2205/W/19/3230237

The Old Forge, Westwell Lane, Westwell, Ashford, Kent TN25 4LG

- 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 Mark Bridges against the decision of Ashford Borough Council.
 - The application Ref 18/00876/AS, dated 7 June 2018, was refused by notice dated 27 February 2019.
 - The development proposed is the erection of a single dwelling with associated access, parking and landscaping on land at the rear of The Old Forge, Westwell.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Westwell Conservation Area and; (ii) the effect on the living conditions of the occupiers of 'The Old Forge' with particular regard to the proposed external amenity space provision.

Reasons

Conservation Area

3. The appeal site is part of the rear garden of 'The Old Forge', a Victorian end of terrace house. It is a long strip of land with a narrow frontage onto the road, with vehicular access leading to a parking area. The garden area contains a number of mature trees. To the west are two single storey wooden outbuildings and 'Yonderway', a two-storey detached dwelling, sits to their rear. Beyond these is a row of two-storey semi-detached 1960's council housing. To the South-west is open countryside and to the east are adjoining gardens.
4. The appeal site is in the Westwell Conservation Area (CA). The village is small and compact with the properties being centred around the heart of the village, which has a church, old farm buildings and a public house. The prevailing pattern of development is one where buildings front onto the roads in the village. Whilst there is a mix of building styles, the dwellings are of traditional design which are sufficiently spaced from one another to allow views through and display a sense of openness. The prevalence of tree cover and landscaped gardens is a particularly important feature of the CA, which is pleasant and tranquil.

5. The proposal would involve a contemporary designed two-storey dwelling, which would be positioned centrally within the plot and would have garden area to the front and rear. Access to the dwelling would be via the existing driveway, which would be extended to create a further three car parking spaces. The proposed dwelling would be set well back from Westwell Lane. Hence, the lack of a direct road frontage and the considerable distance the dwelling is set back on the plot would be at odds with the prevailing historic pattern of development in this area.
6. Whilst the ground floor of the two-storey dwelling would be sunk into the ground, the dwelling would be visible from the street. The contemporary design and form of the development with the use of vertical cedar cladding, white render, grey aluminium windows and a flat green roof would unacceptably jar with the more traditional architectural styles within the village. The dwelling would also occupy almost the full width of the plot and would result in a cramped form of development, which would significantly reduce the openness.
7. The appeal proposal would result in the removal of thirteen trees from the garden and as a group they are visible from public vantage points and are an attractive visual back drop to 'The Old Forge'. Whilst I note from the arboricultural report that individually the trees are of low amenity value, their removal, as a group, would unacceptably reduce the level of tree cover and greenery as which contributes to the character of the conservation area.
8. I conclude on this issue that the appeal proposal would be a visually incongruous form of development, poorly related to and at odds with the established and historic pattern of development. The statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The development would neither preserve nor enhance the character and appearance of the CA. This weighs considerably against the proposal.
9. The proposal would have a detrimental effect on the significance of a designated heritage asset and would result in "less than substantial" harm under paragraph 196 of the National Planning Policy Framework (the Framework).
10. The Framework requires such harm to be weighed against the public benefits of the proposal. The proposal is for one additional dwelling which would provide a very modest contribution to the housing stock and social benefits to the local community. The public benefits would not outweigh the less than substantial harm.
11. For similar reasons, the proposal conflicts with Policies SP1, SP2, SP6, HOU5, HOU10, HOU15, ENV3b, and ENV14 of the adopted Ashford Local Plan 2030 (2019) which seek, amongst other things, to protect, conserve and enhance the historic environment.

Living conditions

12. The proposal would result in the rear garden for 'The Old Forge' being significantly reduced and divided into two parcels. One parcel would be immediately to the rear of the dwelling and the other would be to the west of the driveway and immediately adjacent to the car parking spaces to the south. It would not be private given the proximity with the parking spaces and the

appeal dwelling. Together the areas fall below the minimum requirement set out by Policy HOU15 of the LP. The appellant argues that the shortfall is modest and is compensated by the outdoor playing field opposite and that the garden area would not be overlooked. Whilst this is the case, it does not address the shortfall of space. As such it does not alter my view that there would be a lack of sufficiently sized private garden area in a single usable and practical parcel. Consequently, the proposal would significantly harm the living conditions of the occupiers of 'The Old Forge'.

13. The appellant has drawn my attention to an appeal at Wolfson House, Upper Bridge Street, Wye TN25 5AN¹. I note that the Inspector concluded that there was only a marginal failure in private amenity space to meet the day-to-day needs of the proposal was acceptable in terms of the presence of open space in its surroundings. I find that the circumstances differ in this instance as that proposal did not result in the significant reduction to an existing garden to a large dwelling. Therefore, this appeal decision has had little bearing on my findings.
14. The proposal conflicts with Policy HOU15 of the LP which requires developments to provide a sufficient area of private usable outdoor space.

Other Matters

15. The appellant has stated that the appeal site is adjacent to, but outside of, the village boundary as shown by the Westwell Village Confine map and that Policy HOU5 would apply. I have determined this appeal on that basis.
16. The appellant has stated that the proposal is acceptable in relation to highway safety, its effect on the Area of Outstanding Natural Beauty, ecology and drainage. I ascribe these matters neutral weight, and they do not alter or outweigh the harm identified.

Conclusion

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

Neil Smith

INSPECTOR

¹ APP/E2205/W/17/3188335