



Appeal Decision

Site visit made on 15 October 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/E2205/W/19/3233670

87 Canterbury Road, Willesborough TN24 0BH

- 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 Rob Cowen (RR Group) against the decision of Ashford Borough Council.
 - The application Ref 18/01622/AS, dated 5 November 2018, was refused by notice dated 29 January 2019.
 - The development proposed is for two new semi-detached dwellings to the rear of No. 87 and 89 Canterbury Road, Willesborough, Ashford TN24 0BH.
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Decision

1. The appeal is allowed and planning permission is granted for two new semi-detached dwellings to the rear of No. 87 and 89 Canterbury Road, Willesborough, Ashford TN24 0BH in accordance with the terms of the application, Ref 18/01622/AS dated 5 November 2018, to the conditions set out in Annex A.

Procedural Matters

2. For clarity, the Council have confirmed that the Ashford Borough Council Ashford Local Plan February 2019 (ALP) supersedes the saved policies in the Ashford Local Plan (2000) and the Ashford Core Strategy (2008). As such, Policies CS1, CS9 and CS20 of the Ashford Core Strategy referred to in the Officer Assessment have been superseded and the policies of the ALP, including Policies SP1, SP6, HOU10 and HOU15 now have full weight. I have proceeded on this basis in acknowledgment of the provisions of 'Section 38(6)'.

Application for costs

3. An application for costs was made by Rob Cowen against Ashford Borough Council. This application will be the subject of a separate Decision.

Main Issues

4. The effect of the proposal on i) the character and appearance of the area and; ii) the living conditions of future and neighbouring occupants, with particular regard to privacy and the provision of external amenity space.

Reasons

Character and appearance

5. The appeal site is located in a dense residential area of predominantly brick and tile, two-storey, semi-detached and terraced dwellings. The host two-storey terrace dwellings, 87 and 89 Canterbury Road, face the highway behind an open set-back and have relatively long back-gardens with garages and

parking that fronts onto Bath Road. Bath Road is typified by a number of new detached, semi-detached and terraced dwellings; some of which have been built in the former back gardens of the dwellings along Canterbury Road.

6. The proposal, a pair of semi-detached, two-bedroom houses with associated parking would face onto Bath Road. The garages would be demolished and the existing parking requirement for Nos 87 and 89 would be relocated to the front of the properties on Canterbury Road.
7. The development, while narrower than some similar dwellings nearby, would not be unusual in the surrounding area which has a range of building types that include tight-knit semi-detached and terraced dwellings. Having regard to other existing properties in the rear garden areas facing Bath Road and individual plot sizes, I consider that the appeal scheme would not be out of keeping with the established pattern of development in the locality. Furthermore, the urban grain is such that the proposal would not appear cramped or visually incongruous in its immediate surroundings. The proposal therefore, aligns with Policies SP1, SP6 and HOU10 of the ALP which state that development should not harm the character or built pattern of an area and be of high-quality design.
8. The proposal is a smaller development with private external open space slightly below the Council's desired minimum. However, the proposed amenity space and separation distances are in keeping with normal expectations for a dense urban area that includes the opportunity for overlooking. As such, privacy levels would accord with those experienced in the surrounding area which has numerous windows at first-floor level which is not unexpected given the tight urban grain of the local area. Indeed, similar standards of mutual overlooking, which include dwellings with outriggers, are seen in the adjacent terrace and along Bath Road. At ground level privacy would be maintained by the erection of close-boarded fencing.
9. Further, the adopted development plan Policy HOU15 allows for some flexibility in relation to garden amenity spaces provided the context is appropriate. In this specific case the proposal is for a pair of 2-bedroom dwellings with garden spaces sufficient to carry out activities such as, but not limited to, the erection of washing lines, sheds and the provision of garden furniture and planting as well as the opportunity to play and socialise. Moreover, the removal of Permitted Development Rights, through the imposition of a condition, means the separation distances between the dwellings and amenity space will be retained for the long-term given the controls related to such rights.
10. Therefore, the proposal aligns with Policies SP1, SP6 and HOU15 of the ALP which state, amongst other things, that development should be of high-quality design with a safe and positive relationship with the buildings and spaces around it and include an area of open space.
11. For similar reasons the proposal aligns with Paragraph 127 of the National Planning Policy Framework (the Framework) which identifies that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

12. I note the Council's observations in respect of 83 Canterbury Road. The Council is correct that each planning application should be considered on its own merits; indeed, consideration of the effect of the proposal on the character and appearance of the area and living conditions of future and neighbouring occupants is just that. Accordingly, as set out above the proposal does not cause harm to the character and appearance of the area or the living conditions of future or neighbouring occupants.

Conditions

13. I have considered the suggested conditions against Paragraph 55 of the Framework and the national Planning Practice Guidance. I impose the following conditions; in the interests of certainty, a standard time limit condition, and a condition requiring that the development is carried out in accordance with the approved plans.
14. In order to protect the character and appearance of the area I have also imposed conditions requiring the external materials used in the construction to match those of the existing building. Similarly, I have conditioned the surfacing materials to be used in parking areas and driveways. I have imposed a condition related to landscaping to ensure that planting is supplied to align with the character and appearance of the area.
15. The removal of permitted development rights for future extensions or alterations is necessary to retain control over future development and to prevent loss of the garden space and to ensure that adequate separation distances are maintained. To ensure that there is adequate parking related to the proposal, I have added a condition specific to parking spaces, to guarantee their provision and retention. To encourage sustainable transport and to reduce air pollution a condition is required to secure the provision of at least one dedicated electric vehicle charging socket. Finally, to reduce the risk of flooding, and to secure a drainage scheme that meets sustainable urban drainage principles, I have imposed a condition related to surface water disposal.
16. I have omitted the Council's suggested Condition 7 relating to the details of how the development will enhance biodiversity as it would be unduly onerous and unreasonable in respect of a development of this scale. Condition 9 forms a pre commencement condition. The Appellant has confirmed his agreement to the imposition of this pre-commencement condition in writing.

Conclusion

17. For the reasons given above, the appeal should succeed, and planning permission be granted, subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Annexe A – Conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings: Drawing Numbers: EMA-2018-157 01 Rev 01 - Existing and Proposed Site and Block Plans, EMA-2018-157-02 REV 02 - Proposed Layouts and Existing and Proposed Street Scenes -, EMA-2018-157-03 - Proposed Elevations -.
3. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.
4. The hard-surfacing materials to be used for the driveway and parking areas shall be formed of permeable bound material.
5. A landscaping scheme for the front of the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced above damp-proof course level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, alterations or other operations shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.
7. The area shown on the drawing number EMA-2018-157 REV 01 as vehicle parking spaces shall be provided before either of the dwellings are first occupied and shall be retained in accordance with the approved plans for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.
8. Prior to the first occupation each of the new dwellings hereby approved, at least one electric vehicle charging point shall be provided. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained in a working order for the charging of electric vehicles.

9. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

***** End of Conditions *****