
Appeal Decision

Site visit made on 11 February 2020

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

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/E2205/W/19/3241606

Tudor Cottage, Calleywell Lane, Aldington, TN25 7DU

- 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 C Skinner against the decision of Ashford Borough Council.
 - The application Ref: 19/00064/AS dated 17 January 2019, was refused by notice dated 16 October 2019.
 - The development proposed is the construction of new dwelling with re-positioned existing access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development in the banner heading above is taken from the application form. However, during the course of the determination of the application the proposed development was revised so that the proposed garage was detached from the main dwelling and a smooth render finish proposed for the dwelling instead of weatherboarding. The revised proposals were the basis on which the Council determined the application and are the basis on which I have determined this appeal.

Main Issues

3. The main issues are i) whether the occupiers of the proposed dwelling would have reasonable access to shops and services and ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Access to shops and services

4. The appeal site is located within a loose group of dwellings known as Stonestreet Green. Accordingly, in my judgement, the appeal site is not isolated in terms of paragraph 79 of the National Planning Policy Framework (the Framework). However, Stonestreet Green is not identified as a settlement in Policy HOU3a of the Ashford Local Plan 2030 (2019) (ALP). Therefore, the proposal falls to be assessed against Policy HOU5 of the ALP, which sets out the Council's approach to residential windfall development in the countryside.
5. The first part of the policy allows development close to the existing built up confines of a number of specified settlements, including Aldington, subject to compliance with a number of criteria. The Council adopted a 'village confines'

map in 2019 which defines the confines of Aldington as a guide for assessing new planning applications against Policies HOU3a and HOU5 in particular. The appeal site is approximately 400 m from the village confines as shown on this map. The ALP does not specifically define 'close to' but, in my judgement, the appeal site is close to the built-up confines of Aldington. I note that the Council has not suggested otherwise.

6. Criterion b) of Policy HOU5 requires a development site to be located within easy walking distance of basic day to day services in the nearest settlement and / or have access to sustainable methods of transport to access a range of services. The supporting text to Policy HOU5 sets out that basic services such as a grocery shop, public house, play / community facilities and a primary school should be within a "generally accepted easy walking distance" of 800 m to be considered 'sustainable'.
7. It is common ground between the main parties that Roman Road, which runs through the centre of Aldington on which most of the facilities and services are located, is approximately 600 m from the appeal site. From the evidence before me and my observations during my site visit, a post office / convenience store and fishmonger / butcher are within a further 200 m from the junction of Calleywell Lane and Roman Road and are therefore within 800 m of the appeal site. However, the other facilities and services in Aldington, including a public house, play / community facilities and a primary school are further away with the latter, from the evidence before me, being approximately 1,200 m from the appeal site.
8. Furthermore, as I observed during my site visit, from the appeal site, approximately 390 m of the walk to Aldington is along a stretch of Calleywell Lane which has no footway or street lighting. Although the lane does have grass verges to either side which could provide a refuge from passing vehicles, these verges are uneven and do not provide an easy walking surface. In addition, approaching the brow of the hill just before Aldington, the verge narrows on the same side as the appeal site such that walkers would be likely to walk along the road or need to cross over to the verge on the other side at some point during their walk. Furthermore, at this point, the view along the lane to the south is obscured by the brow of the hill, a bend in the road and roadside vegetation, which represents a hazard for anyone walking along the lane or attempting to cross it.
9. Calleywell Lane outside Aldington is subject to the National Speed Limit. I note from the appellant's Transport Statement that the 85th percentile speed is approximately 40 mph and that there is no record of any accidents along this section of Calleywell Lane in the preceding 5 years. However, I observed a large lorry and a number of cars using the lane during my site visit and, in my judgement, the potential speed and size of vehicles would be another hazard for anyone walking along the lane.
10. Whilst neither criterion b) of Policy HOU5 or the supporting text to the policy specifically require the walk to be safe, the danger to anyone walking along the lane or verge restricts the ease with which it can be used. It is also reasonable to take the safety of a route into account when considering the likelihood of walking being an alternative to the use of the private car. In my judgement, the existing vehicular use of Calleywell Lane would be a disincentive to walking, or cycling, from the appeal site to Aldington.

11. I note that Aldington benefits from bus services to Ashford and Folkestone. From the Council's evidence, the Kent Coaches service to Ashford operates Monday to Friday only approximately every two hours but it does provide limited access to secondary education, employment, larger shops and medical services. However, the need to walk along Calleywell Lane to access this service would be, for the reasons set out above, a disincentive to its use rather than the private car. Furthermore, the lack of a service in the evenings or at weekends would necessitate the use of private transport for shopping or recreation in Ashford.
12. Policy SP1 of the ALP sets out a number of strategic objectives to deliver the 'vision' for the Borough in 2030, which are also core planning principles to which planning applications are expected to adhere. These objectives / principles are wide-ranging and include to focus development at accessible and sustainable locations and to promote access to a wide range of sustainable transport modes. The location of the appeal site would not, in my judgement, promote such access.
13. I therefore conclude that the proposed development would not provide future occupiers with reasonable access to shops and services. The development would therefore conflict with Policy SP1 and criterion b) of Policy HOU5 of the ALP. It would also conflict with criterion d) of Policy HOU5, which requires development to be located where it is possible to maximise the use of public transport, cycling and walking to access services and with paragraphs 108 b) and 110 a) of the Framework in this respect.

Character and appearance

14. Stonestreet Green comprises a number of dwellings with those on the east side of Calleywell Lane, as the appeal site is, set back from the lane in large plots. Although there is no consistent pattern of development, the spacing around and between the properties, particularly on the east side, gives the area a low density, spacious character. The openness of the appeal site contributes positively to this spacious character and the appearance of the area.
15. The proposed dwelling would be set back in the site and although it would be visible when approaching from the south and when passing, it would thus not be unduly prominent in the street scene. However, the proposed development, including the proposed detached garage, which would be a substantial structure in its own right and be sited forward of both the proposed dwelling and Tudor Cottage to the south, would harmfully diminish the contribution of the openness of the site to the character and appearance of the area. It would also result in a loss of the attractive glimpsed views to the rising ground to the east of the site from Calleywell Lane.
16. Furthermore, a public right of way, AE449 (PROW), runs along the northern boundary of the site, providing access from Calleywell Lane to the rising ground and open countryside to the east of the appeal site. The current northern boundary of the appeal site is defined by a low wire mesh and post fence, which gives the PROW an attractive open character, notwithstanding the existing dense hedge along the other side of the PROW. The proposed development would not physically affect the route of this right of way, and I note that neither Kent County Council nor the local footpath officer raised any specific objection to the proposal. However, the latter was concerned about the future boundary treatment alongside the PROW.

17. Although means of enclosure and / or landscaping could be controlled by condition were planning permission to be granted, it is reasonable to expect future occupiers of the proposed dwelling to want to ensure their privacy by having some form of screening along the boundary with the PROW. Whatever form this took, with the existing dense hedge on the other side, it would result in an enclosed route. This, and the close presence of a large dwelling would, in my judgement, be harmful to the character and enjoyment of the PROW.
18. Policy SP6 and criterion f) of Policy HOU5 of the ALP both require a proposed development to be of high-quality design. Policy SP6 requires, amongst other things, that development proposals demonstrate a positive response to character, distinctiveness and sense of place. Criterion f) of Policy HOU5 also sets out a number of further specific requirements, including that a proposed development sits sympathetically within the wider landscape and is consistent with local character and built form, including scale, bulk and materials used.
19. The overall scale and bulk of the proposed dwelling and detached garage, relative to the width of the appeal site, would not maintain the characteristic spaciousness of the area. In other respects, the materials proposed, and the half hip roof form are to be found on other dwellings in Stonestreet Green. The siting of the dwelling on the appeal site reflects the siting of other dwellings on the east side of Calleywell Lane on their plots and, given the variety of forms of properties in Stonestreet Green, the overall form of the dwelling would not be harmfully inconsistent with those other properties. However, overall, the proposed development would not represent high quality design.
20. The appellant refers to the appeal site as part of the garden area of Tudor Cottage and contends that the proposed development complies with Policy HOU10 of the ALP on the development of residential gardens in terms of character and appearance. Although the site did not have the appearance of a domesticated garden at the time of my site visit and my attention has been drawn to sales particulars for Tudor Cottage that refer to the site as a paddock, I note that the Council has not disputed that it is part of the garden of Tudor Cottage and I have no conclusive evidence that it is not. In any event, Policy HOU10 requires, amongst other things, a proposal for the development of garden land to comply with Policy HOU5 which I find it would not.
21. Along the road frontage to the site is a row of tall pine trees. As a group these are subject to Tree Preservation Order No. 15, 2018. I observed during my site visit that these trees make a significant contribution to the character and appearance of the area. The proposed development would result in the removal of one of these trees. However, the loss of a single tree would not significantly affect the contribution of the remainder to the character and appearance of the area.
22. I therefore find that the proposed development would be harmful to the character and appearance of the area. I thus conclude that in this respect it would be contrary to Policies SP6 and HOU5 of the ALP. It would also conflict with paragraphs 127 c) and 170 of the Framework, which require planning decisions to ensure that developments are sympathetic to local character and contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

23. Criterion e) of Policy HOU5 of the ALP requires the development to conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality. The neighbouring property to the north of the appeal site is Symnel Cottage which is a grade II listed building.
24. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of listed buildings. In addition, paragraph 193 of the Framework requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight to be given to the asset's conservation. Harm to the significance of an asset can be caused by development within its setting, as defined in the Glossary to the Framework.
25. Symnel Cottage is set within extensive grounds. The boundary of the garden facing the appeal site is formed by a hedge which, together with the public footpath, separates the appeal site from the cottage. Although the cottage can be glimpsed across the site from Calleywell Lane, these views are limited by the hedge and a number of trees in the cottage's garden. The appeal site therefore does not contribute significantly to the setting or significance of Symnel Cottage, or to the appreciation of that significance. The proposed dwelling would be at some distance from the cottage and, although the dwelling would be visible from Symnel Cottage, views between the properties would be restricted by the existing hedge and trees. The proposed dwelling would thus not adversely affect the significance of the cottage and I conclude that the development would preserve the setting of the listed building.
26. I note that the garden of Symnel Cottage hosts the National Collection of Alba Roses. However, I have no evidence that the garden is on the Register of Historic Parks and Gardens of Special Historic Interest in England maintained by Historic England or on a county gardens register or otherwise identified as a non-designated heritage asset. I have therefore given little weight to the potential effect of the proposed development on this National Collection.
27. I acknowledge that the Council's pre-application advice was that a proposal for a detached dwelling in this location would be supported, that the proposal was revised during the determination of the application to address concerns raised and that the application was recommended for approval to the Planning Committee. However, it was the decision of the Council to refuse permission.
28. I accept that the Highway Authority raised no objection to the proposed development and, notwithstanding the concerns of the occupiers of Symnel Cottage, the proposed development would not be unduly harmful to the living conditions of the occupiers of that or other neighbouring dwellings. I give these matters neutral weight in my determination of this appeal.

Conclusion

For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR