



Appeal Decision

Site visit made on 3 June 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/E2205/W/19/3244055
59 Jemmett Road, Ashford, Kent TN23 2QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alan Ingham against the decision of Ashford Borough Council.
 - The application Ref 19/01447/AS, dated 11 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is one pair of semi detached houses.
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Decision

1. The appeal is allowed and outline planning permission is granted for one pair of semi detached houses at 59 Jemmett Road, Ashford, Kent TN23 2QD in accordance with the terms of the application, Ref 19/01447/AS, dated 11 October 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. This appeal relates to an outline planning application with all matters reserved - layout, access, scale, appearance and landscaping. For the purposes of this appeal I am treating the submitted drawings as only indicative of the proposed development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including nearby protected trees.

Reasons

4. The appeal site is a corner plot at the junction of Jemmett Road and Musgrove. The area is residential in character, with modern houses of mixed architectural styles, mostly semi detached or arranged in short terraces.
5. The proposed dwellings would be located to the rear of No 59 Jemmett Road, facilitated by the subdivision of the rear garden. The new dwellings would be accessed via Musgrove, which is to the side of No 59 and is currently bounded by a high fence.
6. As the site falls within the settlement of Ashford, Policy HOU3a of the Ashford Local Plan (the Local Plan) is of relevance. The Council acknowledge that this Policy is positive in relation to the principle of residential development in this location. However, and accepting that the details submitted are to be treated as

indicative only, whether an appropriate layout for 2 dwellings could be achieved given the constraints of the site is a matter of dispute.

7. Within the immediate locality plot sizes for dwellings vary. The properties on Musgrove appear to have more modest plots than those facing Jemmett Road. The overall plot sizes of some properties on Musgrove do not appear dissimilar to the proposal. However, as plots are mostly rectangular in shape, this typically gives existing dwellings a small parking/garden space to the front and larger garden to the rear. This arrangement is in contrast to the square plots indicated for the proposed dwellings which, because of this shape, is likely to result in the main external garden and parking spaces being provided together at the sides.
8. Notwithstanding the difference in configuration described above, due to the degree of variation in urban form evident in the locality, this difference would not be particularly striking or apparent such that it would detract from the character and appearance of the area. Given the size of the proposed plots, small gardens and parking spaces could be provided without producing a form of development that would appear cramped, in particular when seen from public viewpoints on Musgrove. Whilst not extensive, I also consider that there would be opportunities for suitable landscaping.
9. Due to the shape of the site it is likely that the dwellings would be positioned closer to the highway boundary than others nearby. However, as indicated on the plans, some setback could be provided that would be consistent with the front building lines of the immediate neighbours on Musgrove. This would help to assimilate the development into the surroundings. A suitable detailed design submitted as part of reserved matters could help further in managing any perception of greater scale. On this basis, the proposed development would not dominate the streetscape.
10. Insofar as they have been drawn to my attention, I am mindful of Policies HOU12 and HOU15 of the Local Plan relating to internal and external housing standards. Whilst the detail would be reserved for later consideration, these Policies would dictate the scale of development on the site and would heavily influence the layout. However, the evidence does not lead me to conclude that there is no reasonable prospect of a scheme that meets the standards coming forward.
11. There is a silver birch tree covered by a Tree Preservation Order in a neighbouring garden. Although this tree is some distance away, I have limited evidence assessing the effect of the proposed development on the tree, including the extent of the Root Protection Area. I also note that the Council have not raised concerns about the impact of the proposal on the tree.
12. As this is an outline application, given the distance between the tree and the likely location of the new dwellings there is a reasonable prospect of a scheme coming forward at the reserved matters stage that would not intrude on the tree. Construction methods, level changes and protective measures necessary to safeguard the tree could be controlled by condition.

13. In light of the above, the proposed development would not have a harmful effect on the character and appearance of the area, including nearby protected trees. Consequently, I do not find conflict with policies in the Local Plan, in particular Policies SP6, HOU3a and HOU10 which taken together seeks to ensure that new development is of a good standard of design and, in particular is of a scale and layout that can be satisfactorily integrated into the area.

Other Matters

14. Representations from other parties are noted and have been considered. Concerns about overdevelopment in the area can only be given limited weight as each proposal must be considered on its own merits and I have found no reason to believe that, subject to the careful control of the matters reserved for future consideration, there would be any significant harm arising from the appeal scheme in this regard.
15. In relation to potential loss of privacy, the detailed design of the proposed dwellings would be the subject of later reserved matters applications which would include the location of windows and boundary treatments. However, given the location of the site the outlook for the proposed dwellings is likely to be across open gardens that are already subject to a degree of mutual overlooking. As such, subject to careful design that could be controlled at the reserved matters stage, the development need not have a significant effect on the living conditions of occupiers of neighbouring properties.
16. Comments in relation to the condition of the existing roads are noted. However, given the modest scale of the proposed development, it is unlikely to result in any effect on the existing roads that would justify a refusal of permission.

Conditions

17. The conditions of this permission are set out in the attached schedule. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. Other conditions are addressed below by reference to the numbers set out in the attached schedule.
18. As the proposed development is for outline planning permission with all matters reserved, the plans submitted with it are regarded as illustrative. As such, I have not included a condition that specifies the plans that make up the permission or requires the development to be carried out in accordance with the submitted details. I have, however, imposed a condition specifying that the number of dwellings approved is limited to 2, for the avoidance of doubt.
19. I have not included the Council's suggested conditions relating to parking provision for the dwellings or details of walls and fences as these matters would be adequately covered by a reserved matters application in relation to access and landscaping. However, I have included a condition requiring submission and approval of details of parking for site personnel and management of construction traffic during the works (5). It is necessary for this to be a pre-commencement condition to ensure that these measures are in place prior to the start of works in the interests of highway safety and protecting the living conditions of those living nearby.

20.I have also included a condition relating to the replacement of trees and planting approved as part of the landscaping reserved matter in the interests of preserving and enhancing the character and appearance of the area (11).

21.I have included a condition requiring approval of drainage works (6) in the interests of managing flood risk, surface water run off, and water quality. It is necessary for this to be a pre-commencement condition as these measures need to be considered at the start of works and cannot be easily retrofitted. I have also included a condition requiring submission of details of a scheme for the enhancement of biodiversity (9) in the interests of enhancing existing species and habitats on the site in the future.

22.A condition requiring agreement of external materials is included in order to ensure a satisfactory standard of external appearance (7). I have also included conditions relating to refuse and cycle storage (8) and provision of electric vehicle charging points (10) in the interests of ensuring a satisfactory standard of external appearance and promoting more sustainable transport choices.

Conclusion

23.For the above reasons the appeal is allowed.

D.R. McCreery

INSPECTOR

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The number of dwellings hereby permitted by this planning permission shall be limited to a maximum of two only.
5. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic and the provision of wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved parking, loading and turning areas and wheel washing facilities shall be provided prior to the commencement of development and retained throughout the development.
6. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable 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.
7. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced above foundation level and the development shall be carried out using the approved external materials.
8. Prior to development commencing above foundation level, details of bicycle and bin storage facilities showing a covered and secure space shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.
9. Prior to the first occupation of the approved development, a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved proposals within it and shall thereafter be retained.

10. Prior to the first occupation of each new dwelling with a designated parking space the dwelling shall be provided with at least one electric vehicle charging point. 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 available, in a working order for the charging of electric vehicles.
11. Any trees or other plants approved pursuant to the landscaping scheme under condition 1 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 unless the Local Planning Authority give prior written consent to any variation.