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# Appeal Decision

Site visit made on 25 August 2020

**by S J Papworth DipArch(Glos) RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 September 2020**

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**Appeal Ref: APP/E2205/W/20/3253025**

**The Firs, Buck Street, Challock TN25 4AR**

- 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 Leavey Developments against the decision of Ashford Borough Council.
  - The application Ref 19/01060/AS, dated 22 July 2019, was refused by the Council by notice dated 25 November 2019.
  - The development proposed is construction of two detached dwellings and two detached garages.
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## Decision

1. I dismiss the appeal.

## Main Issues

2. This is the effect of the development on the character and appearance of the Buck Street area of Challock within the North Downs Area of Outstanding Natural Beauty.

## Reasons

3. Policy SP1 of the Ashford Local Plan to 2030 sets out the strategic objectives to focus development on accessible and sustainable locations, and to create the highest quality design among other things, and to this end Policy SP6 lists 9 design criteria. Policy SP2 states the strategic approach to housing delivery and that windfall housing development will be permitted subject to the spatial strategy and other policies.
4. Policy HOU5 provides for residential windfall development in the countryside adjoining or close to the built-up confines of Challock, subject to criteria which include a high-quality design and being consistent with the local character and built form. The Council confirm that there is no in-principle objection to the proposal. Policy HOU10 allows development of residential garden land subject to compliance with Policy HOU5 and not resulting in significant harm to the character of the area.
5. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6. The appeal site is occupied by a bungalow and permission has been granted for the development of a replacement dwelling to the west, with condition 4) requiring the demolition of the bungalow within 3 months of the first occupation of the new dwelling (Ref 18/01357/AS, dated 17 May 2019).
7. The appeal proposal would still allow that permission to be carried out and the bungalow demolished, but proposes an additional 2 dwellings on the remaining part of the bungalow site together with garages/outbuildings to the frontages, an arrangement that appears along the line of recent development on this side of the road and which would be continued under the 2019 permission. The Council explain the rationale of trying to restrict this feature, and the history of more recent permissions resulting in the situation that is now an established part of the character and appearance.
8. To the immediate east there is the entry to large dwelling *Le Chateau* set back in grounds and the entry to a nursery further east, and there is a substantial grass verge backed by trees between these 2 entries and beyond. Whilst there is ribbon development on the far side of the road, the character and appearance of the south side changes at the east boundary of the appeal site and that area is outside the Parish Council's 'village envelope'.
9. The 2019 application was stated to be for a replacement dwelling, and the imposition of a condition requiring demolition of the bungalow appears reasonable in that light. However, the Council now express a preference for a further single dwelling on the site of the bungalow, but not the 2 additional dwellings proposed. In view of the change in character and appearance just referred to, any development in place of the bungalow should acknowledge that change and mediate between the nature of the built-up frontage already in place and permitted, and the open roadside beyond. In many ways the bungalow performs that function, being set back and of a low form, but clearly that was not decisive in the Council's decision to insist on its demolition.
10. The proposed 2 dwellings would each differ in layout and use of materials while sharing architectural elements between them, and with that of other recent development along the road; part-hip ends, rooms in the roof, pitch-roofed dormers and chimneys. The proposed detached garages would also share features with those to the west; high roofs, dormer windows, rooflights and a prominent forward location.
11. The dwelling proposed on the easternmost Plot 2 and shown on drawing 07, would be similar in roof plan to that permitted in 2019, while the dwelling on Plot 1 would be deeper and less square in plan form.
12. With regard to plot 1 there is a discrepancy between the site plan on drawing 02 and both the elevations on drawing 05 and the floor plans on drawing 04, in that the wing with the chimney and bedroom 2 is to the west on the site plan but would be to the east if constructed to the other drawings. The 'handing' of standard floor plans is not an unusual occurrence in house building and for that reason the site plan on drawing 02 should be the definitive proposal, particularly since this 'hand' is compatible with the position of the garage and proposed access.
13. The appellant draws attention to the retention of 3m separation distances, and that this is as recommended by the Council, as well as being in place along the development to the west. However, as set out above, based on the site plan

- arrangement, the length of the opposing elevations at that distance would result in the dwellings appearing over-close and cramped on the site.
14. Whilst the location of the garages forward of the houses would be similar to the now common arrangement elsewhere, in the appeal proposals they would be very close to the road due to the lack of the service road seen to the west and the 2019 permitted garage next door would be set back to a greater extent than proposed. This would appear intrusive and would erode the open nature of the land at present with the bungalow, or as previously permitted with it removed by condition.
  15. Most serious of the shortcomings of the layout proposed is the hard edge that the garage and dwelling of Plot 2 would give to the approach from the east, where the wide grass verge and wooded backdrop impart a soft, rural character and appearance as part of the Area of Outstanding Natural Beauty, and this would end abruptly with the siting of the Plot 2 buildings.
  16. That siting results from placing 2 dwellings of the size proposed on the remaining area left to the appeal site and would not accord with Policy HOU5 on high-quality design, albeit it would be consistent with the local character and built form, as the site location requires more than a consistent continuation of the previous line of development. The proposal would be contrary to the design requirements of Policies SP1 and SPG together with those stated in the Framework.
  17. The development would make more effective use of previously developed land than permission 18/01357/AS alone, or the Officer's preferred single house option, in line with the Framework requirements at chapter 11, but the use of the same design solutions as exist in numerous places along the road is not appropriate to this site, and Plot 2 in particular. The provision of additional housing in line with the aims stated in Framework paragraph 59 does not outweigh the harm. For the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR