
Appeal Decision

Site visit made on 8 October 2020

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/E2205/W/20/3248725

1 New Rents, Kenardington Road, Appledore, Ashford, Kent, TN26 2BS

- 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 S Aldan against the decision of Ashford Borough Council.
 - The application Ref: 19/01072/AS, dated 25 July 2019, was refused by notice dated 17 December 2019.
 - The development proposed is the erection of a detached dwelling and new access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The sustainability of the development with regard to access to services and facilities,
 - The effect of the development on highway safety,
 - The effect of the development on the living conditions of the occupiers of No 1 New Rents by way of light and outlook, and
 - The effect of the development on the character and appearance of the area around Appledore.

Reasons

3. The appeal site is part of the side and rear gardens to No 1 New Rents, which is an end-terraced dwelling located in the open countryside to the north-east of Appledore. The terrace of 4 cottages is situated on the north side of Kenardington Road, some 300 metres to the east of its junction with Woodchurch Road.
4. The existing cottages are set back from the road behind a low front hedge and a small front garden. No 1 has a substantial side garden, the front section of which is currently occupied by sheds and a parking area. From a sign on the gate it would appear that the access and parking area at this point is used by both Nos 1 and 2. There is a mature hedge with trees to the western boundary of the site, and there are other mature trees within the site further to the rear. The cottages have long rear gardens and the block of 4 is surrounded by open countryside with fields and pockets of trees.

Sustainability

5. Policy HOU5 of the LP indicates that proposals for residential development adjoining or close to the built-up confines of certain settlements, including Appledore, will be acceptable provided that certain criteria are met. The appellant has referred to other proposals outside of such built-up confines that have received planning permission, including one specific case mentioned for a site in Appledore Heath, just north of Appledore itself. It would appear that this site referred to is adjoining the settlement boundary of Appledore Heath, whereas the current scheme at New Rents is neither adjoining nor close to the built-up confines of either Appledore or Appledore Heath. Policy HOU5 also indicates that residential development elsewhere in the countryside will only be permitted if one of three criteria can be met, and the current proposal does not meet any of these criteria. Accordingly, I find that the proposal does not meet the requirements of Policy HOU5 on either basis.
6. Paragraph 79 of the National Planning Policy Framework 2019, (NPPF) indicates that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of certain circumstances apply. In this case, although the proposed dwelling would be part of a small group of four houses, the group as a whole is in an isolated position in the countryside, and none of the circumstances identified in the NPPF would apply. The current proposal does not, therefore, conform to guidance in the NPPF.
7. In this case, the nearest bus stop would appear to be around 600 – 700 metres away in Appledore Heath, and the nearest local services are at the southern end of Appledore village which is well over 1 km away. The first 300 metres of any walk to these facilities would be along a relatively narrow country road with no pavements, which means that occupiers of the proposed dwelling would likely be dependent on car usage for all essential services. Even if Policy HOU5 applied to the current proposal, it advises that 800 metres is a generally accepted maximum walking distance to services and facilities and the appeal site is therefore considered as in an unsustainable location under this criterion. I concur with the general principles outlined in Policy HOU5, which itself accords with guidance in the NPPF. Accordingly, I find that the proposal conflicts with Policy HOU5 of the LP and with the NPPF.

Highway safety

8. The proposed dwelling would be set back from the road by an amount sufficient to allow four vehicles to park at the front of the site and enter and exit from the road in a forward gear. The Highway Authority accepts that the parking provision, which appears to include replacement provision for Nos 1 and 2 New Rents as well as parking for the proposed house, would be acceptable, and I concur with that view.
9. However, the Highway Authority contends that adequate visibility splays (of at least 160 metres in each direction) could not be provided at the access point to the proposed house. The appellant contends that this is already the case with the existing access and that other properties along the road are in the same situation. That may be the case, but this would appear to be a situation of long-standing and it is no reason to allow further development that would result in even more vehicles using an inadequate access onto Kenardington Road. Given the nature of the road and the lack of pavements, I find that the proposal, due to inadequate sight lines, would be harmful to highway safety.

Living conditions

10. The proposed house would be sited some way back on its plot in order to make space at the front for car parking. As a result, the house would have a front elevation almost level with the rear elevation of No 1 and close to the joint side boundary. It would be two-storeys in height and it would lie to the west of the rear garden of No 1. On this basis, it would have some negative impact on the light received at the rear of No 1, and it would be a somewhat dominant and overbearing feature when seen from the neighbouring dwelling and that part of its rear garden area closest to the house.
11. Given the general amount of space around the existing group of houses and the length of the rear gardens, I do not consider that significant harm to the overall living conditions of the occupiers of No 1, by way of light or outlook, would result from the proposal. However, there would be some harm to outlook and this adds to my concerns about the effects of the proposal, expressed in the headings above relating to main issues in this decision letter.

Character and appearance

12. The proposed house would be located to the side of and to the rear of No 1 New Rents. The group of houses comprising New Rents are largely surrounded by mature hedges and trees along the boundaries, and on this basis the proposed house would not be readily visible in the wider landscape. It would be seen more clearly in the context of the existing cottages, and it would appear somewhat incongruous by virtue of its position within the site and its larger scale. However, any harm caused by this would be slight, particularly given the screening afforded by the surrounding boundary treatments and the other cottages themselves. It would not therefore, on this basis and of itself, be reason to dismiss the proposal, but it does add to the cumulative harm caused by the proposal on the other issues above, albeit in a minor way.
13. The Council makes reference also to Policy HOU10 of the LP, which relates to development in residential gardens. This policy indicates that development proposals involving partial redevelopment of residential garden land will be permitted if, amongst other things, they comply with Policy HOU5 where relevant. This would not be the case with the current proposal, as noted above, and I take it, therefore, that Policy HOU10 would not apply in this case.

Conclusion

14. I find that the proposal would not represent sustainable development from the perspective of being an isolated development in the countryside, some distance from essential services and facilities. On this basis, it would conflict with Policy HOU5 of the LP and with guidance on rural housing in the NPPF. It would be harmful to highway safety by virtue of inadequate visibility splays, and it would have some harm, albeit limited, with regard to the light and outlook for the occupiers of No 1 New Rents and its effect on the character and appearance of its surroundings. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR