



Appeal Decision

Site Visit made on 11 November 2020

by Rory MacLeod BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/E2205/W/20/3257608

1 Pound Lane, Kingsnorth, Ashford, TN23 3EJ

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 Horne against the decision of Ashford Borough Council. The application Ref 19/01027/AS, dated 24 July 2019, was refused by notice dated 18 February 2020.

The development proposed is a detached two bedroom house with off road parking.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene and surrounding area.

Reasons

3. The appeal relates to land to the side of 1 Pound Lane, an end of terrace two storey house. The house has been enlarged by provision of a porch to its side wall. Other houses in the terrace have their entrance in the front wall. The submitted plans show the curtilage for the new dwelling abutting the flank wall of the porch. A fence to separate the retained garden for no.1 has been erected from the corner of the house, not from the corner of the porch as shown on the plans. An electricity sub-station within the front garden would be retained but a large covered store in the back garden removed.
4. The surrounding area is mixed in use, form and character. Beyond the terrace of 4 houses to the north-west are 3 detached bungalows on much wider plots. To the south-east is an open service yard with a recessed two storey rear part to a motorcycle garage on the corner of Pound Lane with Ashford Road. There is a public house on the other side of this junction with its car park to the rear of this, opposite the appeal site. The wider area comprises a mixture of residential and commercial buildings and open spaces.
5. Policy SP2 of the Ashford Local Plan 2030 (adopted 2019) (ALP) has set a housing target of 13,118 net additional dwellings to 2030 to be achieved by a combination of committed schemes, site allocations and suitable windfall proposals. The policy sets out a strategy to rectify a shortfall in housing delivery in recent years. The proposal would be a windfall development that would make a small contribution towards meeting overall housing need.

6. Policies HOU3a and HOU10 of the ALP set out requirements for windfall developments within settlements such as Kingsnorth and those on garden land including how a proposal relates to the character of the surrounding area. The proposed house would be comparable in size to the terraced houses and would have a similar shallow pitched roof with gable ends. However, it would fill most of the space between the side boundaries and would have a relatively cramped and crowded appearance in the street scene, located close to both the retained house and to the mass of the motorcycle garage.
7. The front part of the house would be narrower than its rear part, reflecting the splayed shape to the site. The presence of the electricity sub-station in the front garden would also constrain the land available for retained and proposed houses. They would share a driveway, and the parking space for the proposed dwelling would have to be at an angle close to the retained house. There is diversity in the residential character of the surrounding area, but the proposal would still appear to be squeezed into a tight space. It would detract from the appearance of the street scene and character of the area and would thereby be contrary to Policies HOU3a and HOU10 and with Policy SP6 on design.
8. Harm arising to the character and appearance of the area needs to be weighed against the benefit arising through the provision of an additional dwelling. The National Planning Policy Framework (the Framework) seeks to significantly boost the supply of homes and to make effective use of land in meeting the need for homes. But it also requires well-designed places with proposals sympathetic to local character including the surrounding built environment. The adverse impacts arising from the proposal would significantly and demonstrably outweigh the benefit of providing one additional dwelling when assessed against the policies of the Framework taken as a whole.

Other Matters

9. After the refusal of the appeal proposal, the Council received advice from Natural England in respect of nationally and internationally designated protected sites at Stodmarsh lakes, east of Canterbury. This relates to an increased level of nitrates and phosphates within the protected sites which is adversely affecting the integrity of the habitat of the lakes. In line with established caselaw and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment, and/or which discharge to particular Wastewater Treatment works within the catchment, should be the subject of screening under the Habitat Regulations and, consequently, the undertaking of an Appropriate Assessment prior to any decision to grant planning permission.
10. The additional dwelling would result in an increase in wastewater, and either alone or in combination with other plans and projects may have a significant effect on the integrity of the protected sites. If the appeal had otherwise been acceptable, this matter would have warranted greater attention.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod BA(Hons), MRTPI

INSPECTOR