



Appeal Decision

Site visit made on 28 February 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH March 2022

Appeal Ref: APP/E2205/W/21/3280357

237 Canterbury Road, Kennington TN24 9QW

- 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 Eric Tiv against the decision of Ashford Borough Council.
 - The application Ref 20/01493/AS, dated 30 October 2020, was refused by notice dated 5 February 2021.
 - The development proposed is a new house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of neighbouring occupiers,
 - highway safety, and;
 - the Stodmarsh Lakes.

Reasons

Character and appearance

3. The appeal site is a severed garden plot to the rear of the dwelling known as No 237 Canterbury Road. The immediate area is typified by established residential dwellings that face onto Canterbury Road (the A28), which are set on generous plots with gardens to the front and rear that help to provide a sense of spaciousness in the surrounding built environment.
4. The appeal property is a detached two-storey dwelling that is set-back from the A28 behind a landscaped parking and turning area. To the rear of the host property there is a lawned garden with a side boundary fence that is adjacent to an access lane which runs towards the cycle-way on George William Way. The access lane provides a separation gap to the vehicular entrance, parking spaces and rear garden of the neighbouring dwelling of No 233 Canterbury Road.
5. The proposal is to construct a two-storey, 3/4 bedroom house on the severed garden space that would have garaging for two motor vehicles and face onto the access lane.

6. The appellant has brought to my attention a number of properties nearby that either have a dwelling within the rear garden of the host property, have a side or rear extension, or are of a more contemporary appearance in support of his case. However, I have little detail of those schemes before me, some of which are on the other side of the A28, or are relatively vintage. As such, I cannot be certain if they were permitted under the same development plan as the proposal before me or not. Therefore, I have considered the proposal on its own planning merits.
7. I noticed at my site visit that No 237 is set back from the general built line that runs along the southern side of Canterbury Road. Therefore, the garden space available for the siting of the proposal to the rear of the host dwelling is relatively limited. Moreover, while I note that the proposed development would be similar in appearance to the host dwelling, it would nonetheless be a family-type dwelling of some scale and mass that would include a garage. As a consequence, the bulky proposal would appear as a cramped and stark addition within the sub-divided host garden. Indeed, the proposal would not only erode the garden space, but also the spacious and open-type character of the built form along this specific section of the A28.
8. I conclude therefore, in respect of the character and appearance of the area, that the proposal would be contrary to Policies SP6 and HOU3a, of the Ashford Borough Council, Ashford Local Plan 2030 (ALP), and Paragraph 130 (c) of the Framework which says, amongst other things, that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

9. The proposed development would be located within the existing garden space of the host dwelling. Indeed, notwithstanding that a separate garden space would be available for the occupiers of both dwellings, the submitted drawings show that the two-storey proposal would be in close proximity to the host property. Therefore, the immediate outlook from No 237 would be onto the relatively high, blank elevation and stepped gables of the proposed development.
10. Consequently, the immediacy and scale of the new development would create a sense of overbearing on the occupiers of No 237, particularly when using the remaining garden space for activities such as, but not limited to; gardening and sitting out. Additional landscaping would not provide satisfactory mitigation. I conclude therefore, that the proposal would harm the living conditions of the occupiers of the host dwelling.
11. Accordingly, the proposal in respect of the living conditions of neighbouring occupiers is contrary to Policies SP6, and HOU3a, of the ALP, which make clear that development should not create a significant adverse impact on the amenity of existing residents.
12. For similar reasons, the proposal does not meet the aims of Paragraph 130 (f) of the Framework which requires that planning should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway safety

13. In addition to the existing parking spaces at No 237 and the parking to the rear of No 233, the proposed development would include two garaged parking spaces. As such, particularly when reversing onto the narrow access way, the combined vehicle movements would increase the likelihood of conflict with the users of the access way. Indeed, whether the access way is a recognised cycle path or not, I noticed at my site visit that the access way is relatively well-used by walkers, people exercising dogs, and that it is a direct link to a signed cycle path on George William Way. Overall, and in the planning judgement, I conclude that the increased vehicular activity associated with the proposal would be detrimental to highway safety for pedestrians and other users of the access way.
14. For these reasons, in respect of highway safety, the proposal is contrary to Policy TRA7 of the ALP, which says that applicants must demonstrate that traffic movements to and from the development can be accommodated, resolved or mitigated to avoid severe cumulative residual impacts, and the Framework when read as a whole.

Stodmarsh Lakes

15. The appeal site is located near to the nationally and internationally designated protected sites at Stodmarsh Lakes which are subject to the Habitat Regulations. If I had come to a different conclusion it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and the likely effectiveness of any mitigation measures. Nevertheless, as I have found against the appellant in respect of the main issues above, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Other Matters

16. I acknowledge that the proposal would be likely to reduce anti-social behaviour along the access way, that the appellant has aspirations to build his own house to accommodate his family, and that he has completed improvements to the host dwelling. However, even in combination, I attribute these matters very minimal weight.
17. The Council cannot demonstrate a five-year housing land supply, as such Paragraph 11 (d) of the Framework is engaged. Nonetheless, while I acknowledge that the proposal would result in some limited economic, social and environmental benefits, including the provision and construction of one new dwelling, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

Conclusions

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

J E JOLLY

INSPECTOR