



Appeal Decision

Site visit made on 14 March 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2022

Appeal Ref: APP/E2205/D/21/3289918

28 The Street, Kennington, Ashford TN24 9HB

- 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 Terence Baylis against the decision of Ashford Borough Council.
 - The application Ref 21/01786/AS, dated 6 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is described as a car port, new driveway and crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council did not object to the proposed car port and nor do I.

Main Issue

3. The main issue in this case is whether the proposed driveway and crossover would preserve or enhance the character or appearance of the Kennington Conservation Area (the CA), which is a designated heritage asset.

Reasons

4. No.28 The Street is a detached house in the CA. The proposed driveway and crossover would be on one side of the house and allow an electric vehicle (EV) to be parked and charged off-road in the garden.
5. The National Planning Policy Framework (the Framework) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (paragraph 189). Framework paragraph 199 requires me to give great weight to the conservation of a designated heritage asset. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (paragraph 200).
6. Policies SP6 and ENV14 of the Ashford Local Plan, adopted February 2019 (the LP) include that development must have positive outcomes in terms of character, distinctiveness and sense of place. It should also preserve or enhance the character and appearance of Conservation Areas, including streets of townscape character and other features that make a positive contribution. The development plan is therefore broadly consistent with the Framework.
7. In the Council's 'Kennington Conservation Area Assessment' the significance of the CA is, in part, informed by The Street because it is a main area of historic

interest with a distinctive historic and architectural streetscene. I saw that rows of hedgerows form, or are part of, many front garden boundaries in this road. These give a verdant, rural character to this road corridor and contribute to its distinctiveness. The front garden boundary hedgerow at No.28 has these attributes and it is therefore worthy of preservation for these reasons.

8. In the 'as proposed' plans, the driveway and crossover is appreciably wider than a standard car parking space. A visibility sightline splay is drawn along an outside edge of the hedgerow but two different dimensions are given, including a 2m and a 2.4m set-back from the edge of the road. These would have different effects on the hedgerow. Moreover, there are no 'as existing' plans or any topographic site survey plan. It is not, therefore, clear from the submitted plans how much hedgerow would be removed or cut back.
9. Notwithstanding what is shown in the submitted plans, I saw that the hedgerow is approximately 1m deep with stems positioned roughly midway. The outside face runs tight along the back edge of the pavement, which is about 1m wide.
10. Even taking the submitted plans, the hedgerow removals would create a gap about 4m wide. This substantial opening would interrupt the linear continuity and overall spatial integrity of this longer and taller portion of the hedgerow. In addition, there would be significant cutting back of the retained hedgerow either side of the gap to achieve even a 2m set back visibility splay. If this is possible without destroying stems (which would otherwise increase the width of the gap), it would nonetheless reduce the depth and density of planting in these parts of the hedgerow. Moreover, even if replanted or supplemented by new planting, the angled alignment of a hedge behind the splay would be at odds with the existing alignment which is parallel to the pavement.
11. Many front garden boundaries in The Street, including some with hedgerows, are punctuated by driveways and crossovers; such as the existing driveway and crossover at No.28 on the other side of this house. However, these mainly appeared to be long-standing accesses, or narrower and book-ended either side by straight boundaries at the back edge of pavement.
12. Taking all of the above into account, the driveway and crossover would unduly diminish the visual and physical extent of the hedgerow. This would seriously detract from the intrinsic value of the hedgerow in the streetscene. Consequently, this development would conflict with LP Policies SP6 and ENV14. It would also conflict with the Framework which seeks to ensure that development adds to the overall quality of an area, is visually attractive as a result of good layout, sympathetic to local character and history and the surrounding built environment and landscape setting. It should also maintain a strong sense of place in the arrangement of streets to create attractive and distinctive places to live or visit (paragraphs 130 a), b), c) and d)).
13. The harm to, and loss of, the significance of the CA in the terms that I have referred to above would be localised and limited to a small part of the CA. Accordingly, it would cause less than substantial harm to the CA overall. In these circumstances, Framework paragraph 202 requires this harm to be weighed against the public benefits of the proposal.
14. The Government is promoting the use of EVs as part of a commitment to tackle climate change. Providing EV charging points at residential properties is one

means of delivering the Government's objectives. The driveway and crossing would also reduce on-street parking congestion. These are therefore factors in the scheme's favour. However, the suitability of any particular site will depend on its location and the planning policies that pertain to it.

Other Matters

15. I saw that there is an EV charging point in the existing driveway at No.28 and that there may be enough space to park two EVs and charge both concurrently. I appreciate that the appellant would not prefer this arrangement, including because it would be less practical for manoeuvring EVs, and consequently may not acquire a second EV. However, I have considered the proposed driveway and crossover and this appeal on its individual planning merits.

Heritage Balance

16. I have found that hedgerows in The Street are visually important features, including the hedgerow at No.28, and contribute positively to the interest and distinctiveness of the streetscene. Consequently, the extent of intervention to the hedgerow required to establish the driveway and crossover would have a substantial negative affect on the intrinsic quality of the CA. It would not, therefore, preserve or enhance the character or appearance of the CA¹. Accordingly, the significant harm caused would not be outweighed by the public benefits in this case.

Conclusion

17. The proposed driveway and crossover would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
18. For the reasons given above, I therefore conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR

¹ Section 72(1) - Planning (Listed Building and Conservation Areas) Act 1990