



Appeal Decision

Site visit made on 23 August 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/E2205/W/21/3282147

10 Eggringe, Singleton TN23 4XT

- 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 Ali Eskandar against the decision of Ashford Borough Council.
 - The application Ref 21/00795/AS, dated 29 April 2021, was refused by notice dated 29 July 2021.
 - The development proposed is two detached, two-storey dwellings, each with 4 bedrooms, 2 bathrooms, private driveway and private garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area,
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings, 10b Long Beech and 9 Eggringe, with regard to outlook and privacy respectively, and
 - whether the proposed development would provide sufficient off-road parking provision and its effect on highway safety.

Reasons

Character and Appearance

3. The appeal site is an area of land adjacent to the dwelling at 10 Eggringe and is currently used as garden space for the host dwelling. The appeal site also includes a garage to the front of the host dwelling and the access point from the road. It is located within a small cul-de-sac comprised of two-storey terraces and semi-detached properties.
4. It is noted that planning permission¹ has already been granted on the appeal site for a single chalet bungalow style dwelling. The appellant considers this consented scheme is overbearing and that two smaller dwellings would work better on the site. However, whilst separately the proposed dwellings may cover a smaller footprint than the consented scheme, cumulatively the two proposed dwellings would cover a larger footprint. Furthermore, the dwelling

¹ 19/00601/AS (the consented scheme)

would be greater in height and closer to the boundaries of the site. Therefore, the proposed dwellings would be a more dominant addition to the appeal site than the consented scheme.

5. The proximity of the proposed dwellings to the boundaries of the appeal site and the host dwelling at 10 Eggringe result in a cramped form of development with a shoehorned appearance. Furthermore, even though they would be located in a backland location, due to the height of the dwellings, they would be overly prominent additions to the appeal site, visible from both Eggringe and Long Beech, to the detriment of the character and appearance of the area. The appellant has indicated that the proposed development would use materials to mimic the aesthetics of the surrounding area. However, this would not overcome the harmful prominence and cramped nature of the proposed development and would not help it to blend into the streetscene.
6. Consequently, the proposed development would harm the character and appearance of the surrounding area and would conflict with Policies SP6, HOU3a and HOU10 of the Ashford Local Plan 2030 (February 2019) (the LP). These policies collectively seek to ensure that development is of high quality design and do not result in significant harm to the character of the area, permitting residential windfall development that is of a layout, design and appearance that is appropriate to and compatible with the character and density of the surrounding area.

Living Conditions

7. Both of the proposed dwellings would face the rear garden of the property at 9 Eggringe, with a limited separation distance. Views into this neighbouring garden are already possible from the garden of the host dwelling, due to the higher ground level. However, due to their height, the first floor windows on the front elevations of the proposed dwellings would provide a more direct and intrusive view than at present. Therefore, the proposed development would result in a significant loss of privacy to the occupiers of No 9 when using their garden.
8. The appellant has stated that the proposed development would be more than 21 metres at a 45 degree angle from the window view at No 9. They also indicate that this would be acceptable for national and local standards, however no specific standards or policies have been provided. Nevertheless, it was apparent on my site visit that the proposed dwellings would be a sufficient distance from the neighbouring dwelling at No 9 to prevent any significant overlooking into the windows on the rear elevation. Therefore, the proposed development would not impact the living conditions of the neighbouring occupiers of this property when inside their dwelling.
9. The proposed two-storey dwellings would be located directly adjacent the shared boundary with the property 10b Long Beech and would be significantly taller than the neighbouring single storey dwelling at No 10b. However, the proposed dwellings have the same orientation as this neighbouring dwelling and would follow the same building line. Therefore, there would be limited views of the proposed dwellings to the occupiers of No 10b from within their dwelling and, as such, the proposed development would not have a harmful impact upon their outlook. Furthermore, the building line of the proposed dwellings would not overlap the rear garden at No 10b. Therefore, the proposal would not appear overly dominant or overbearing from this viewpoint and

would not have a significant impact on the occupiers of this neighbouring dwelling when using their rear garden space. The absence of harm to the living conditions of the occupiers of No 10b is a neutral factor in this case.

10. However, as the proposed development would harm the living conditions of the occupiers of the neighbouring dwelling at 9 Eggringe, due to a loss of privacy when using their garden, it would conflict with Policy HOU3a of the LP. This policy permits residential windfall development within settlements when they would not create a significant adverse impact on the amenity of existing residents.

Car Parking Provision

11. Policy TRA3(a) of the LP requires that for a 4-bed house in a suburban or rural location, a minimum parking standard of 3 spaces per unit should be provided. The proposed dwellings would each have four bedrooms and would provide two off-road car parking spaces per dwelling. Therefore, the proposed dwellings would not accord with the requirements of this policy.
12. The lack of car parking provision for the size of the dwellings proposed, would result in additional pressure for on-street car parking in a small cul-de-sac where there is currently limited space. Although there are no parking restrictions on Eggringe, the small and narrow nature of the road and the presence of wide driveways with low kerbs limit the possibilities for on-street car parking. Therefore, the increase in pressure for on-street parking would result in the likelihood of irregular parking where it would be unsafe to do so. Particularly for pedestrians, as there are no formal footways towards the end of the road where the appeal site is located. This would be detrimental to the highway safety of both pedestrians and vehicle users when using the road to enter and exit properties.
13. Although the proposed access to the two new dwellings would require the demolition of the existing garage, I noted during my site visit that the garage was unlikely to be suitable for modern day car parking due to its limited size. Therefore, its demolition would not result in the loss of a useable car parking space. The car parking space to the front of the garage would be replaced with a space to the front of the host dwelling. Therefore, although this may not accord with the required minimum parking standard within policy TRA3(a), the host dwelling would have the same amount of car parking provision as at present.
14. Nevertheless, as the proposed development would provide insufficient car parking provision for the two dwellings proposed, it would result in an increased pressure for on-street parking and adverse harm to highway safety which would conflict with Policy TRA3(a) for the reasons stated above.

Other Matters

15. The Council has highlighted that the appeal site is located within the 'Stour Upper' operation catchment in relation to the Stodmarsh Lakes water environment, which is described as being a European Designated Nature Conservation Habitat. It states that advice has been received from Natural England relating to the increased levels of nitrates and phosphates within the protected site, which is adversely affecting the integrity of the habitat of the lakes. Due to the insufficient information provided at the application stage,

demonstrating the implications of the proposed development on this protected site, the Council has included a reason for refusal within their decision notice relating to this.

16. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, no further evidence has been provided to me on this matter and regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.
17. The appellant has brought several other matters to my attention, including the proximity of the proposed development to green spaces, bus routes and educational facilities. They also indicate that the proposed development would accord with the relevant space standards. However, these are neutral factors which would not be sufficient to outweigh the resultant harm I have found from the proposed development.
18. The appellant has also stated that the Council has not provided feedback when requested and made no attempt to address their concerns with the appellant. However, this would have no bearing on my consideration of the appeal or the conclusions I have come to.

Planning Balance and Conclusion

19. The appellant has highlighted that the proposed development would support the demand for local housing in an area which lacks family homes. The Council have also confirmed that they are only able to demonstrate a 4.54 year supply of deliverable housing. As the Council are unable to demonstrate a five year supply of deliverable housing, with a moderate shortfall, the test in paragraph 11(d) of the Framework should be applied.
20. The proposed development would add to the overall housing land supply and make efficient use of the land. However, the benefits derived from two dwellings would be minimal and so this carries limited weight. Therefore, whilst there is a moderate shortfall in the housing land supply, given the harm that I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of two dwellings when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.
21. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR