



Appeal Decision

Site visit made on 28 February 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/E2205/W/21/3288112

Honeysuckle Cottage, Bethersden Road, Woodchurch TN26 3PU

- 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 E Thompson against the decision of Ashford Borough Council.
 - The application Ref 21/00478/AS, dated 3 December 2020, was refused by notice dated 23 September 2021.
 - The development is proposed replacement dwelling with detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for proposed replacement dwelling with detached garage at Honeysuckle Cottage, Bethersden Road, Woodchurch TN26 3PU in accordance with the terms of the application, Ref 21/00478/AS, dated 3 December 2020, and the plans submitted with it, subject to the conditions in the schedule at the end of the decision.

Main Issue

2. The effect of the replacement dwelling upon the intrinsic character and beauty of the countryside.

Reasons

Intrinsic character and beauty of the countryside

3. Honeysuckle Cottage is an existing single storey detached dwelling situated in spacious grounds with substantial outbuildings. The dwelling is set back significantly from the road. The surrounding area is generally flat and rural in character, populated by mature trees and hedgerows of various size and species. The existing dwelling has rendered elevations and a tiled roof and is to be demolished and replaced with a two-storey dwelling and detached single storey garage. In the locality there are clusters of traditional oast houses and large timber framed and chequered brick properties. Whilst there is a neighbouring property the site sits in relative isolation from a settlement and is essentially a modern detached property in a rural setting
4. The adjacent dwelling known as Kingswood is a large, detached dwelling with a substantial outbuilding. The existing dwelling at Honeysuckle Cottage is a modest single storey property. Although the replacement dwelling would be significantly larger than the existing dwelling it would be of a similar scale and mass to this neighbouring dwelling and would therefore not be out of character in the locality.

5. The proposed dwelling would be a two-storey building constructed using a combination of brickwork and timber detailing with rendered panels to create a 'Mock Tudor' appearance under a tiled pitched roof. The appearance and fenestration would be similar in character to the neighbouring property Kingswood and Great Engeham Manor Barn, located a short distance away on Bethersden Road, both of which incorporate such period design features. The dwelling would incorporate projecting gables and a pitched roof across the central section and would be of a form not out of character in the context of the surrounding area.
6. The design and fenestration differs significantly from the appearance of the existing dwelling and it would appear as a larger, more prominent structure in the landscape when compared to the existing dwelling. That is not to say that the proposal would cause demonstrable harm to the intrinsic character and beauty of the countryside, just that the proposed dwelling would be of a different character.
7. The proposed garage would incorporate a hipped roof to reduce the mass of the structure, particularly when viewed from the road frontage. The structure would be in a similar frontage location to the detached outbuilding at the neighbouring property. On this basis and given it would be setback from the road frontage, this structure would not appear out of character in the streetscene.
8. The footprint of the proposed dwelling and garage would be similar to that of the existing building and outbuildings. Whilst the dwelling would be taller than the existing dwelling, the view from the road frontage would still be of a modern detached dwelling set within a large plot. The design would be different but in effect, one modern property would be replaced with a well-designed dwelling. The increased scale would not appear disproportionate to the size of the plot. The existing outbuildings identified to be removed from the site could be secured by condition. Having regard to the existing buildings and structures which occupy the site and their intention to be removed, the replacement dwelling and garage would not result in cumulative visual harm to the detriment of the character and appearance of the locality.
9. The dwelling is set back significantly within the site on a similar footprint to existing buildings. The site is screened in part by mature landscaping to side boundaries and the road frontage. Although some are deciduous, the landscaping reduces the visual impact on the streetscene. Accordingly, the dwelling and garage would have no detrimental impact upon landscape features as required by Policy ENV3a.
10. For the reasons set out above, I conclude that there would be no harm to the intrinsic character and beauty of the countryside. As such the proposal accords with Policies SP1, SP6, HOU7 and ENV3a of the Ashford Local Plan (adopted 2019) (the development plan) and the National Planning Policy Framework (the Framework). Policies SP1, SP6 and HOU7 of the development plan permit replacement dwellings where the proposal, taking into account the surrounding built form and the existing streetscene, would not harm the character and appearance of the surrounding area. The Framework requires development to recognise the intrinsic character and beauty of the countryside.

Other Matters

11. Interested parties have raised concerns regarding loss of outlook, views and privacy from their garden and pool. Kingswood is sited a considerable distance away from the shared boundary. The proposed dwelling does not include first floor windows to the elevation of the dwelling facing towards the neighbouring property. The proposed dwelling is likely to be visible from Kingswood, but the separation between the dwellings means that it would not be prominent. Given the intervening space between the two properties and the landscaping along the boundary, the proposed dwelling would not have a harmful effect on the living conditions of the occupiers of this neighbouring property through overlooking, loss of privacy or outlook.
12. Any disturbance during demolition and construction would be for a temporary period only.
13. As this would be a replacement dwelling and it would utilise the existing access and have similar vehicle movements, I do not have any highway concerns. Conditions would secure appropriate parking arrangements in the interests of highway safety.

Conditions

14. The Council has suggested several conditions. I have included those which meet the six tests set out in the Framework and the Planning Practice Guide (PPG), rewording, where necessary, for clarity. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity.
15. I will impose a condition requiring samples of the materials to be submitted to and approved by the Council prior to the external walls or roof being constructed. I consider this condition is reasonable and necessary in the interests of preserving the character and appearance of the area.
16. I have included a condition relating to the removal of existing outbuildings on the site for the reasons set out in my main issue.
17. The Council has suggested a condition for the provision of a rainwater butt. Having regard to the Framework and the Planning Practice Guide (PPG) bearing in mind the scale of the development I do not consider this is reasonable or necessary.
18. As the proposal relates to a replacement dwelling, where there is existing lighting, I consider that a condition limiting the external lighting would not be reasonable or necessary.
19. I have included a condition regarding a scheme for biodiversity enhancements and consider its inclusion necessary in accordance with the policies of the development plan and the objective of the Framework to conserve and enhance biodiversity.
20. A condition for the provision of electric vehicle charging points is imposed to promote sustainable travel and improve air quality.
21. The Council has suggested a condition for the installation of the solar panels to generate approximately 50% of the dwelling's yearly energy consumption. In

the absence of a policy to support this detailed request I consider the condition fails to meet the tests of reasonableness.

22. The Council has suggested a condition for the removal of rights to extend or alter the property under the Town and Country Planning (General Permitted Development) (England) Order 2015. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this circumstance I do not consider conditions further limiting these rights to be necessary or relevant to the development permitted.

Conclusion

23. For the reasons given above, and having regard to all other matters, I conclude that the development would comply with the Framework and the development plan as a whole. The appeal is therefore allowed.

R. Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: BA-20-51-01 Existing Site/Block Plans and BA-20-51-02 Rev 01 Proposed Layout Plans with Elevations & Street Scenes.
3. Prior to any works on the external elevations/roof of the buildings are commenced, details and samples of the materials and finishes to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
4. The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. BA-20-51-02 Rev 01 for vehicle parking and turning. The spaces shall thereafter be kept available at all times for the parking of vehicles and manoeuvring.
5. Prior to the first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details will be implemented in accordance with the agreed phasing and thereafter retained.
6. Prior to the first occupation of the dwelling hereby approved the outbuildings on the approved plan BA-20-51-02 Rev 01 shall be demolished and all materials arising there from shall be removed from the site.

7. An electric vehicle charging point shall be provided in accordance with a scheme to be approved by the local planning authority. The vehicle charging point shall be provided in accordance with the approved details prior to first occupation of the dwelling and shall be retained operational for the lifetime of the development.

*****End of Conditions*****