



Appeal Decision

Site visit made on 12 September 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/E2205/W/22/3312940

**Land Adjacent to 1 Durrant Green, Ashford Road, High Halden, Kent
TN26 3BU**

- 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 Joe Chapman against the decision of Ashford Borough Council.
 - The application Ref 22/00085/AS, dated 18 December 2021, was refused by notice dated 14 June 2022.
 - The proposed development is a dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development listed above has been taken from the Council's decision notice, which is more concise than the description on the application form. I have however had full regard to the description on the application form for the purposes of my assessment.
3. The evidence before me indicates that the appeal site benefits from outline planning permission, with all matters reserved, for the erection of a detached dwelling. The principle of a new dwelling on the site is not a matter in dispute between the parties. Therefore, my assessment will be focused on the main issue below.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site sits on a corner plot at the junction between Ashford Road and an adjoining lane. Whilst there is some variety in building styles within the wider area, dwellings within the immediate vicinity of the site share a traditional appearance and are typically of two storeys with hipped roofs. Building materials are generally a mix of red-brick, and white render or cladding. The rear boundary of the appeal site and adjacent properties provides a strong and distinct edge between the dwellings and neighbouring farmland.
6. The proposed dwelling would reflect some local characteristics, including the use of red brick to its external walls. However, its appearance would be dominated by extensive glazing and modern architectural features, including balconies and irregularly shaped windows. These features are incongruent in

the locality and would therefore be visually discordant in the context of neighbouring buildings.

7. At three-storeys, the dwelling would also be much larger in scale and height than neighbouring properties and it would be overly dominant by way of its overall bulk. The dwelling would also be set back within the plot, behind the rear building line of 1 Durrants Green, resulting in an awkward relationship between the two dwellings. Moreover, it would be orientated at an angle that faces neither Ashford Road nor the adjoining lane. This would result in it having a poor relationship to the street frontage.
8. The proposed dwelling and garage would be sited within the curtilage of No 1 and therefore would not result in the development of a greenfield site. However, the proposed garden would extend onto the agricultural land to the rear, leading to domestic incursion onto open farmland. Even if the garden were laid largely to lawn, its use would alter local character by encroaching domestic activity onto agricultural fields. Moreover, the garden extension would disrupt the otherwise strong boundary line that demarcates the dwellings from the farmland, which would be unsympathetic to local landscape characteristics.
9. Whether or not the proposed development would be screened from the public footpath by vegetation and boundary treatments, it would be unduly prominent in views from Ashford Road, the adjoining lane, and the agricultural land to the rear. Further landscaping, which could be secured through condition, could go some way to softening its appearance. However, I am not convinced it would have a material screening effect given the scale and height of the proposed dwelling. Accordingly, the proposal would be visually intrusive and would detract from local distinctiveness.
10. I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to policies SP1 and SP6 Ashford Local Plan 2030 (the ALP) and the National Planning Policy Framework (the Framework) insofar as they seek high quality design that responds to local character. It would also conflict with policy HOU5 of the ALP which supports residential windfall development close to High Halden where certain criteria are met, including that it is of high quality design that is consistent with local character. It would also fail to comply with policy ENV3a of the ALP which expects development to have regard to landscape characteristics.

Planning Balance

11. The proposal is not in accordance with the aforementioned policies of the ALP, which are broadly consistent with the Framework. Proposed development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
12. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply and therefore the tilted balance in paragraph 11(d) of the Framework is triggered. The site also does not fall within the definition of areas or assets that are of particular importance as identified in footnote 7 of the Framework.
13. The proposed development would deliver an additional family-sized dwelling in a residential setting. The site is in a sustainable location within walking distance of the services and facilities within High Halden. Moreover, the parties

agree that the principle of the development on the site is acceptable. Notwithstanding this, the contribution of a single dwelling to meeting the shortfall of housing in the Ashford Borough would be very limited. I therefore attach limited weight to these benefits in my consideration of the appeal.

14. The proposal would offer a good standard of accommodation without causing harm to the living conditions of neighbouring occupants. No harm has been identified in respect of trees and biodiversity, and other detailed matters such as lighting and foul water disposal could be dealt with through conditions if the appeal were to be allowed. These matters are not in dispute between the parties and attract neutral weight in my assessment.
15. However, I attach significant weight to the harm that would be caused to local character and appearance through the design of the proposed dwelling, its orientation, and the domestic incursion onto agricultural land.
16. Therefore, in the particular circumstances of this case, the adverse impact of the proposed development on the character and appearance of the area significantly and demonstrably outweighs the benefits when assessed against the policies of the Framework, when taken as a whole.

Conclusion

17. The proposed development conflicts with the development plan when read as a whole. There are no material considerations before me, including the provisions of the Framework, that outweigh the harm I have identified. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

E Catcheside

INSPECTOR