



Appeal Decision

Site visit made on 3 November 2023

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21.12.2023

Appeal Ref: APP/E2205/D/23/3329232

25 Cheesemans Green Lane, Kingsnorth, Kent TN25 7EX

- 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 Ms Kate Lamb against the decision of Ashford Borough Council.
 - The application Ref: PA/2023/0957, dated 19 May 2023, was refused by notice dated 20 July 2023.
 - The development proposed is for vehicle crossover, parking and single storey side extension to form garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision notice states that the appeal proposal is contrary to Policy HOU8 of the Ashford Local Plan 2030 (the Local Plan), which relates to extensions to dwellings. As the garage extension part of the appeal proposal is agreed as being acceptable to both parties, the appellant highlighted that HOU8 was the incorrect policy to use in respect of the matters in dispute in this appeal. The Council have confirmed through subsequent correspondence that HOU8 is indeed not relevant to the consideration of the main issues in this appeal.
3. The Council has also confirmed that they consider the relevant policies for this appeal are in fact TRA3 (a) – Parking Standards for Residential Development and TRA7 – The Road Network and Development. The Council has also advised that Policies SP1, SP6 and EP3a might normally have been applied as standard. It is not clear why they were not applied in this case but copies have been provided as part of the information relevant to this appeal. In order to ensure the appellant is not disadvantaged by the Council's further correspondence on which policies may be relevant, I accepted an addendum from the appellant on this matter.
4. I agree with the appellant that the basis upon which the decision was originally made, and absence to reference to the most relevant policies in the decision notice is highly unsatisfactory. That said, both parties have now had the opportunity to comment on which policies should be relevant to the determination of this appeal so I am satisfied that the key issues and policy considerations have belatedly been confirmed. For the avoidance of doubt, and having regard to the further submissions by both the appellant and the Council, I consider the most relevant development plan policies for this appeal are SP1, SP6, ENV3a, TRA3 (a) and TRA7 of the Local Plan.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and appearance

6. The appeal site is a semi-detached dwelling in a relatively new residential estate. The appeal site has a landscaped frontage with grass, bushes and paved footpath. Frontages on other properties on the estate generally comprise landscaping with some also having off-street parking areas.
7. The appeal scheme proposes to replace the existing landscaped front garden and paved footpath with hard-surfaced off-street parking. A single storey attached garage to the side of the appeal property is also proposed. The driveway and garage would be accessed by forming a full width vehicular crossover from Cheesemans Green Lane.
8. The properties that front Cheesemans Green Lane, including the appeal site, are characterised by their vegetated and landscaped front garden areas that include grass, trees and hedges. These contribute significantly to the quality and character of the area. The appeal proposal would remove all the existing vegetation and replace it with hardstanding and a full width crossover, which would be at odds with the existing and prevailing character of the area. The proposed loss of vegetation including the existing hedges and lawns would diminish the area's visual quality and appear as incongruous to the prevailing character of the street scene.
9. I do not agree that this situation could be sufficiently mitigated for by the adjacent landscaping at Nos 23 and 27 Cheesemans Green Lane as it would introduce a hard surfaced and uncharacteristic gap in what is currently an unbroken section of landscaped frontage. The appellant has highlighted a number of properties near to the site that have areas of hardstanding to the front of properties. I observed on my site inspection that these examples also largely include landscaping features along with hardstanding.
10. I am aware that the landscaped front garden could be replaced with hardstanding as permitted development. Whilst this may be the case, the proposal requires planning permission as it also includes the creation of a new vehicular crossover. The combined impact of the crossover and the hardstanding, as identified above, would cause harm to the character of the area. There is no indication that the appellant would use these permitted development rights without being able to also construct the access. I therefore given the presence of permitted development rights for hardstanding limited weight in this decision.
11. There is no dispute between the parties in respect of the design of the proposed side extension to form a garage. I agree that this part of the proposal has been designed to a good standard and would successfully integrate with the host dwelling without causing harm to the character and appearance of the area or harm neighbouring living conditions. The proposed garage therefore accords with Policy HOU8 of the Local Plan and the guidance contained in Supplementary Planning Guidance 10 (2004). Nonetheless, the acceptability of

the side extension is a neutral consideration that weighs neither for or against the scheme.

12. In summary, the vehicular crossover and parking would harm the character and appearance of the area contrary to Policies SP1, SP6 and ENV3a of the Local Plan, which seek to create the highest quality design, demonstrate a careful consideration of and a positive response to character, distinctiveness and sense of place and have regard to landscape characteristics. Furthermore, the proposal does not accord with Policy TRA3 (a) of the Local Plan that amongst other things requires parking to follow the guidance contained within the Council's Residential Parking and Design Guidance Supplementary Planning Document (SPD). Along with setting out technical standards, this SPD sets out the importance of parking design contributing to delivering attractive places, which would not be achieved in this case. The appeal proposal is also not consistent with Paragraph 135 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments are sympathetic to local character.

Highway Safety

13. Visibility splays to meet the required technical standards cannot be provided to the west direction due to the curvature of Cheesemans Green Lane, and because there is landscaping on land outside the appellant's control that restricts visibility of oncoming traffic from the west.
14. I observed on my site inspection that the road was not particularly busy, which is likely to be an accurate reflection of the traffic conditions along the road. I note the appellant's assertion that due to the curvature of the road and presence of on street parking, traffic is likely to be travelling less than 30mph. However, the appellant acknowledges that this is only an assumption and no speed surveys are available to confirm or disprove this. In this context, the baseline position must be that cars could be travelling at 30mph and due visibility in line with the highway authority's requirements should be provided to avoid any potential for adverse highway safety impacts, even if the proposed use of the driveway would be relatively infrequent.
15. I do not agree that the provision of an access to the property should be balanced as a benefit against the alternative of cars parking on the road. Cars parking on the road would have different visibility considerations compared to a car leaving the proposed driveway and therefore not directly comparable to the proposal in this case.
16. In conclusion, the Highway Authority's requirements are clear and have not been met by the development. I am not persuaded from the information before me that the road conditions are sufficiently safe for the proposed vehicular access to proceed with sub-optimum visibility. On this basis, the appeal proposal would result in unacceptable harm to highway safety contrary to Policy TRA7 of the Local Plan and Paragraph 115 of the Framework.

Conclusion

17. For the reasons given above, the proposal is not consistent with the policies of the development plan as a whole due to its impact on the character and appearance of the area and highway safety. There are no material considerations that would lead me to a different conclusion, and I determine that the appeal should therefore be dismissed.

N Perrins

INSPECTOR