



Appeal Decision

Site visit made on 14 July 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/E2205/W/25/3359645

Coombe Glen, Magpie Hall Road, Kingsnorth, Kent, TN26 1HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ross Mackenzie against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/1701.
 - The development proposed is described as 'demolition of semi-detached bungalow and construction of detached bungalow'.
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Decision

1. The appeal is allowed and planning permission is granted for a detached one and a half storey dwelling following the demolition of a semi-detached bungalow with new vehicular access at Coombe Glen, Magpie Hall Road, Kingsnorth, Kent TN26 1HF in accordance with the terms of the application, Ref PA/2024/1701, subject to the attached Schedule of Conditions.

Preliminary Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the plans and appeal form that the proposal is for a one and a half storey dwelling with a new vehicular access. The decision in paragraph 1 above reflects this approach.
3. The appellant submitted revised plans with the appeal documents, showing two additional front rooflights and changes to the proposed solar panel arrangement. As front rooflights and solar panels were already proposed, the revisions would not involve a substantive difference to the application resulting in a different application. Further, the amendments are such that they would not cause procedural unfairness or prejudice to interested parties. Therefore, I have determined the appeal based on the revised plans.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would provide acceptable living conditions for future occupants, with particular regard to outlook and light; and
 - the effect of the proposed development on highway safety, with particular regard to access arrangements.

Reasons

Living conditions

5. The appeal site comprises a disused semi-detached bungalow in a large plot on the north side of Magpie Hall Road. There is a row of sizeable trees and a field on the opposite side of the road. It is proposed to replace the house with a five bedroom detached dwelling containing roofspace accommodation in a similar location to the existing building.
6. Bedrooms 3 and 4 on the upper level would each have two south facing rooflights providing the openings to these rooms. Given the extent of glazing, the relatively modest room sizes and the aspect of the proposed rooflights, there would be sufficient natural light to these bedrooms.
7. In addition, due to the size of the windows and their location around 1m above floor level, occupants of bedrooms 3 and 4 would have views of the front garden and the trees and field on the other side of Magpie Hall Road. Therefore, the proposed window arrangement would provide a satisfactory outlook for occupiers of these rooms.
8. Consequently, I conclude that the proposal would provide acceptable living conditions for future occupants, with particular regard to outlook and light. This would comply with Policy SP6 of the Ashford Local Plan 2030 (LP) where it requires developments to demonstrate a positive response to liveability.

Highway safety

9. The site adjoins a busy classified road with a 40mph speed limit and lies within a long row of houses, most of which have vehicular accesses marked by dashed white lines at the edge of the road. It is not clear that the site has previously been served by a formal vehicular access and at my site visit no dashed white lines alongside it were evident. In common with the other properties in the vicinity, a grassed and hardsurfaced area separates the site from the carriageway.
10. The proposal includes a large garage and hardstanding area for parking with a new formalised access onto Magpie Hall Road. The Highway Authority indicates a requirement for visibility splays of 2.4m by 103m in both directions due to the speed limit along the road. The appellant's statement includes a vision splay plan, but these are not correctly drawn to the nearside carriageway.
11. Nevertheless, the area between the properties and carriageway along this stretch of the road is relatively free of high obstructions. Further, the fence along the mutual boundary with the neighbouring property close to the proposed access is set back from the front boundary. Given the open area in front and the location of the nearby boundary fence, I am satisfied that adequate visibility of traffic travelling in both directions along Magpie Hall Road by drivers exiting the site could be achieved and the scheme would not endanger road users.
12. Therefore, I conclude that proposed development would not harm highway safety as suitable access could be provided. This would accord with Policy TRA7 of the LP where it seeks to restrict new accesses if there would be a clear risk of road traffic accidents.

Conditions

13. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and

the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with these documents.

14. In addition to the standard time limit condition (1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (2). This is in the interest of certainty.
15. Pre-commencement conditions are imposed relating to an archaeological scheme of investigation (3) and details of making good the existing internal party wall of the attached neighbouring dwelling (4). These are necessary to ensure that measures are put in place prior to development so that archaeological features are properly examined and recorded and to ensure that the exposed internal wall is made good and adequately protected. The appellant has agreed to these.
16. I have imposed conditions relating to external materials (5) and hard and soft landscaping (6) to protect the character and appearance of the area.
17. Conditions requiring details of visibility splays (7) and the provision of the parking and turning areas (8) are necessary in the interests of highway safety.
18. I have also imposed conditions requiring the provision of an electric vehicle charging point (9) and bicycle storage (10) to encourage more sustainable modes of transport.
19. I have not imposed the Council's suggested condition of removing permitted development rights for dwelling enlargements, roof additions and alterations, outbuildings and means of enclosure. This is because there is no issue with the character and appearance of the proposal, and it would not be necessary or reasonable to impose such a condition given the building's location in a row of similar residential properties.

Conclusion

20. I conclude that the proposal would accord with the development plan and there are no material considerations that outweigh this finding. Accordingly, the appeal should be allowed.

A Wright

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location 01; Existing Site Layout 02; Existing Plans 03; Existing Elevations 04; Proposed Plans 05 including revised rooflights; Proposed Elevations 06 including revised rooflights; Proposed Garage 07; and Proposed Site Layout 08 including revised rooflights.
- 3) No development shall take place until an archaeological scheme of investigation has been submitted to and approved in writing by the local planning authority. The scheme shall detail how and when a watching brief by a qualified archaeologist shall be undertaken so that the excavation is observed and any items of interest and finds recorded. The scheme shall be carried out as approved.
- 4) No development shall take place until details of measures required to make good the existing internal, party wall of the attached neighbouring dwelling have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to any development above ground level, details of the materials to be used for the external construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. This shall include details of hard surfacing materials for the parking and turning areas. The development shall be carried out in accordance with the approved details.
- 6) Prior to any development above ground level, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - the location, species and sizes of proposed trees, hedges and shrubs;
 - planting plans and details of areas to be grass seeded or turfed;
 - hard surfacing other than that under condition 5;
 - boundary treatments; and
 - minor artefacts and structures.

The landscaping works shall be carried out in accordance with the approved details within 12 months of the completion of the development. Any trees, hedges or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the local planning authority give prior written consent to any variation.

- 7) Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The visibility splays shall be retained as approved thereafter.
- 8) Prior to the first occupation of the development hereby permitted, space shall be provided, surfaced and drained within the site in accordance with approved plan Proposed Site Layout 08 including revised rooflights for the parking and turning of vehicles and that space shall thereafter be kept available at all times for those purposes.

- 9) Prior to the first occupation of the development hereby permitted, at least one electric vehicle charging point shall be provided to Mode 3 standard (providing up to 7kw) with SMART enabling wifi connection. Thereafter the charging point shall be retained and kept available and in working order for the charging of electric vehicles.
- 10) Prior to the first occupation of the development hereby permitted, bicycle storage shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The bicycle storage shall be retained as approved thereafter.