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## Appeal Decision

Site visit made on 9 December 2025

**by Thomas Courtney BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 December 2025**

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**Appeal Ref: APP/E2205/W/25/3372707**

**58 Otterden Close, Stanhope, TN23 5TH**

- 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 P Priddle against the decision of Ashford Borough Council.
  - The application Ref is 20/01453/AS.
  - The development proposed is the creation of a 3-bedroom semi-detached house with associated parking and garden land.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

### Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on the living conditions of the neighbouring occupiers at no 59 Otterden Close with particular regard to outlook, light and sense of enclosure;
  - whether the proposed development would provide adequate living conditions for existing and future occupiers with regard to the provision of external amenity space; and
  - the effect of the proposal on highway safety with respect to the provision of adequate parking.

### Reasons

#### *Character and appearance*

4. The appeal site comprises the side garden of an existing two-storey end-of-terrace dwelling at No 58 Otterden Close. It occupies a prominent position at the end of

the terrace, where Otterden Close curves and where the terrace is experienced obliquely in public views. The front elevations of the properties within this terrace are oriented towards the public open space to the north, whilst their rear elevations face Otterden Close. The character of the area is influenced by the simple and symmetrical linear arrangement of blocks of terraces with consistent orientations often arranged around small open green spaces.

5. The appellant argues that the proposed dwelling would be appropriate in character terms because it would reflect the scale and appearance of the existing terrace and because dwellings in the vicinity, particularly those at the nearby junction, are oriented towards the road. Whilst the proposed dwelling would broadly match the height, materials and architectural style of the adjoining properties, this would not address the fundamental issue of how the development would relate to the established terrace of which the host appeal dwelling forms part.
6. The harm arises principally from the orientation and relationship of the proposed dwelling in relation to the existing terrace. The proposal would introduce a change in orientation at a visually prominent point along the terrace. Rather than reading as a natural continuation of the established form, the dwelling would appear as an awkward and visually discordant addition, interrupting the otherwise clear and legible arrangement of the row when experienced in public views along the street.
7. The appellant points to dwellings on the opposite side of the road at the junction which present a frontage towards the highway. However, those properties do not form part of the appeal property terrace and sit within a different built group with a distinct spatial and visual relationship to the street. They do not therefore provide a sound comparison for assessing the effect of introducing a differently orientated dwelling within an otherwise consistently arranged terrace.
8. The appellant also suggests that the site is visually enclosed by boundary fencing, its physical and visual contribution to the character of the area is limited, and therefore any change would not result in a loss of an intrinsic aspect of local character. However, by virtue of its position as an open side garden at the end of the terrace, the site contributes to the way the existing terrace is perceived in the street scene. It provides visual relief at a prominent location and allows the terrace to be read as a balanced and coherent group. The introduction of an additional dwelling in this location would extend the built form in a manner that would jar with the established rhythm and symmetry of development along Otterden Close. This effect would compound the harm arising from the proposed dwelling's orientation, reinforcing the impression of an incongruous addition that fails to respect the established character of the area.
9. I am therefore not persuaded that the proposal would reinforce or complement the existing character of the area. Instead, it would undermine the coherent form of the terrace and result in harm to the character and appearance of the street scene.
10. Given this, the proposal would have an adverse effect on the character and appearance of the area. It would therefore conflict with Policies SP6 and HOU3a of the Ashford Local Plan 2030 (ALP) insofar as they seek to ensure proposals are of high-quality design and appropriate to and compatible with the character of the surrounding area.

### *Living conditions of neighbours*

11. The appeal site lies in close proximity to the neighbouring dwelling at No. 59, and the proposed development would introduce a two-storey building in a position to the south of the neighbouring rear garden and patio area.
12. The increased volume of development and bulk close to the shared boundary would appear overbearing when experienced from the neighbouring property, particularly from the rear garden. Whilst the views from the rear windows would not be unacceptably impacted, the proposed development would appear as a dominant addition that would notably alter the outlook from the rear garden and patio area. By reason of its siting, height and proximity, the proposal would create an adverse sense of enclosure for the occupiers of No. 59.
13. I have taken into account the appellant's position that there is a prevailing degree of mutual overlooking in the area and that window design, including obscure glazing, would limit direct views. However, the principal harm in this case arises from the proximity and two-storey bulk of the development relative to No. 59, which would be experienced as enclosing and overbearing. Those measures would not materially change that relationship. In addition, the position and height of the building would materially reduce the amount of sunlight and daylight received by No. 59 in a way that would be noticeable and harmful in this context.
14. The rear first floor windows of the proposed dwelling would be obscure-glazed and therefore there would be no undue overlooking. Notwithstanding this, the resultant overbearing impact of the development, as well as the reduced outlook and levels of daylight and sunlight would depreciate the quality of the neighbour's rear garden area, which is their main private outside amenity space.
15. For these reasons, the proposal would have an adverse impact on the living conditions of the neighbouring occupiers at no 59 resulting in a harmful sense of enclosure, poor outlook and a loss of light. It would therefore conflict with Policies SP1, SP6 and HOU3a of the ALP insofar as they seek to ensure development is of the highest quality design and does not have a significant adverse impact on the amenity of existing residents.

### *Living conditions of existing and future occupiers*

16. The proposed dwelling would be provided with a clearly defined area of private outdoor space, directly accessible from the dwelling and laid out in a functional and coherent manner. Whilst the size and depth of the garden would not strictly align with standard dimensions, the relevant policy allows for a degree of flexibility, particularly where site circumstances and local context justify a departure from numerical standards.
17. In this case, the proposed garden as well as the retained external amenity space proposed for the existing dwelling would be comparable in size and character to those serving neighbouring dwellings within the terrace and surrounding estate. They would be usable and capable of accommodating a range of everyday domestic activities, including sitting out, outdoor eating, children's play, gardening and the drying of clothes, without undue constraint. The proposed amenity spaces would also benefit from an adequate degree of privacy, consistent with that experienced by occupiers of nearby dwellings.

18. I am therefore satisfied that the proposal would provide satisfactory external amenity space and adequate living conditions for future occupiers and find no harm in this regard. I am also satisfied that the retained private amenity space for the existing dwelling would remain adequate in this context. The proposal would thus not conflict with Policy HOU15 of the ALP insofar as it seeks to ensure that proposals provide sufficient private usable external outdoor space.

### *Parking*

19. Concerns have been raised by the Council, the Parish Council and local residents regarding parking provision and the potential effect of new access points on on-street parking in Otterden Close. I have carefully considered the submitted plans and the layout of the proposed parking spaces. I note that it is unclear whether the parking space in front of the dwelling would fully fit within the appeal site's red line boundary. However, on balance, I am satisfied that the proposed spaces would be of a size and configuration capable of accommodating domestic vehicles in practice. No objection has been raised by the highway authority, and there is nothing before me to indicate that the proposed access arrangements would be unsafe.
20. It has also been suggested that the formation of access points would reduce the availability of on-street parking and exacerbate existing parking pressures. However, while on-street parking is evident in the area, there is no clear or substantive evidence to demonstrate that parking conditions are so constrained that the limited loss of kerbside space immediately adjacent to the site would result in significant harm. In the absence of detailed evidence of severe or unmanageable parking stress, I am not persuaded that the proposal would materially worsen parking conditions for existing residents or give rise to highway safety concerns.
21. Accordingly, the proposal would provide adequate parking and would not have an adverse impact on highway safety. It would adhere to Policies HOU3a, TRA3a, TRA6, and TRA7 of the ALP insofar as they seek to ensure that development proposals can be safely accessed, provide appropriate parking and do not adversely impact the local road network.

### **Other Considerations**

22. The appellant states that the Council is currently failing to meet its housing delivery targets. I have not been provided with figures to assess the level of supply, and the Council have not put forward any evidence on whether they can demonstrate a 5-year supply of deliverable housing land. I will therefore proceed on the basis that there is a shortfall of housing land. Consequently, because of the provisions of footnote 7, paragraph 11 d) of the Framework is engaged. As such, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply.
23. I have found conflict with Policies SP1, SP6, and HOU3a of the Ashford Local Plan which are consistent with the Framework. Against that, the appellant highlights several benefits arising from the proposal. They consider the proposal would be an efficient use of garden land, providing new self-build housing in a sustainable location within walking distance of local services and public transport. However, the addition of a single dwelling would make only a minor contribution to housing

supply but, given the shortfall, this nonetheless attracts moderate weight in favour of the proposal.

24. There would also be some minimal economic benefits during construction and from future occupants' contributions to the local economy through the use of services and facilities. I have attached limited weight to this consideration.
25. The appellant also refers to the quality of the proposed accommodation, the acceptability of parking provision, and the absence of harm to future occupiers. Whilst I have found no harm in these respects, these matters largely reflect baseline expectations for new residential development and therefore attract limited weight as positive benefits.
26. The appellant also refers to the energy-efficient design of the dwelling, including sustainable construction practices and water efficiency measures. These are positive attributes, however, in the absence of detailed or quantified evidence demonstrating performance beyond building regulations, these matters attract limited weight.
27. Furthermore, the appellant refers to pre-application advice which indicated that a new dwelling in this location would not necessarily harm the character or pattern of development and that the land does not represent an important gap. I have had regard to that advice. However, pre-application comments are informal and non-binding and are made on the basis of limited information. The appeal before me must be determined on the basis of the submitted scheme and a full assessment of its effects. In this case, the harm I have identified arises not from the principle of development on the site, but from the specific siting, orientation and relationship of the proposed dwelling within a coherent terrace, as well as the adverse impact of the scheme on the living conditions of the neighbouring occupants. The pre-application advice therefore carries limited weight.

### **Planning Balance**

28. Set against these considerations is the significant harm I have identified in respect of the proposal's adverse impact on the character and appearance of the area and the living conditions of neighbouring occupiers. This harm attracts substantial weight given the Framework's core objective of securing well-designed, high-quality places that are sympathetic to local character, and which ensure a high standard of amenity for existing and future users.
29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The harm I have identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.
30. The appeal site is located within the catchment area of the Stodmarsh Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the SPA, SAC and Ramsar site which are designated European sites. New residential development at this site would generate additional nutrient load from the increased

wastewater and has the potential to cause disturbance to the site and therefore the development must provide appropriate mitigation. Notwithstanding this, as I am dismissing the appeal for the reasons given above, I do not need to conduct any further assessment in relation to the SPA, SAC and Ramsar site.

**Conclusion**

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
32. For the reasons given above the appeal should be dismissed.

*Thomas Courtney*

INSPECTOR