

<b>Application Number</b>	16/00942/AS
<b>Location</b>	Land adjacent to 104 Rylands Road, Kennington, Ashford, TN24 9LR
<b>Grid Reference</b>	60165 / 14447
<b>Parish Council</b>	None
<b>Ward</b>	Bybrook (Ashford )
<b>Application Description</b>	Proposed new dwelling along with two parking spaces, bin store & bike store.
<b>Applicant</b>	Joanne Wood
<b>Agent</b>	Mr C J McMullon - Sevenscroft Ltd
<b>Site Area</b>	0.02 hectares

(a) 5 / 5R,1S                      (b) -                      (c) KH&T -, ES/ -, BTOD/ x

## Introduction

1. This application is reported to the Planning Committee because the applicant is an employee of the Council and because it has been called in by Cllr Buchanan.

## Site and Surroundings

2. The application site relates to land located within the built confines of Ashford. The land comprises previously undeveloped garden land to the north west of 104 Rylands Road a two-storey end-of terrace dwelling with a large irregularly shaped garden.
3. The surrounding area has a regular pattern of development as it forms part of a development dating from the 1960s, comprising two storey terrace rows and semi-detached dwellings. The dwellings are set back from the road with regular and irregular plot shapes and garage courts to the rear.



Figure 1: Location plan



Figure 2: Photographs of the site

## Proposal

4. Full planning permission is sought for the erection of a two bedroom end of terrace house with associated parking and bin/cycle storage. The development would involve the removal of two mature Leylandii trees.
5. The dwelling would be provided with two parking spaces, secure and covered cycle storage and the garden would be to the side of the dwelling with one entire boundary onto Rylands Road, 104 would retain a small rear garden.



**Figure 3: Block plan**

6. Amended plans were submitted during the course of the application; the original submission comprised a detached dwelling abutting Rylands Road with a front garden and side between the new dwelling and no. 104 Rylands Road.
7. The dwelling has been designed to integrate into the existing terrace row with a gable-to-gable roof, brickwork and the same windows and door positions and proportions. However, there would be white render at the first floor level not white cladding as on the other dwellings in the terrace.

8. The dwelling would have a garden at least 10m depth, enclosed by timber fencing, containing a timber shed, including bicycle storage. External bin storage is on a paved area.

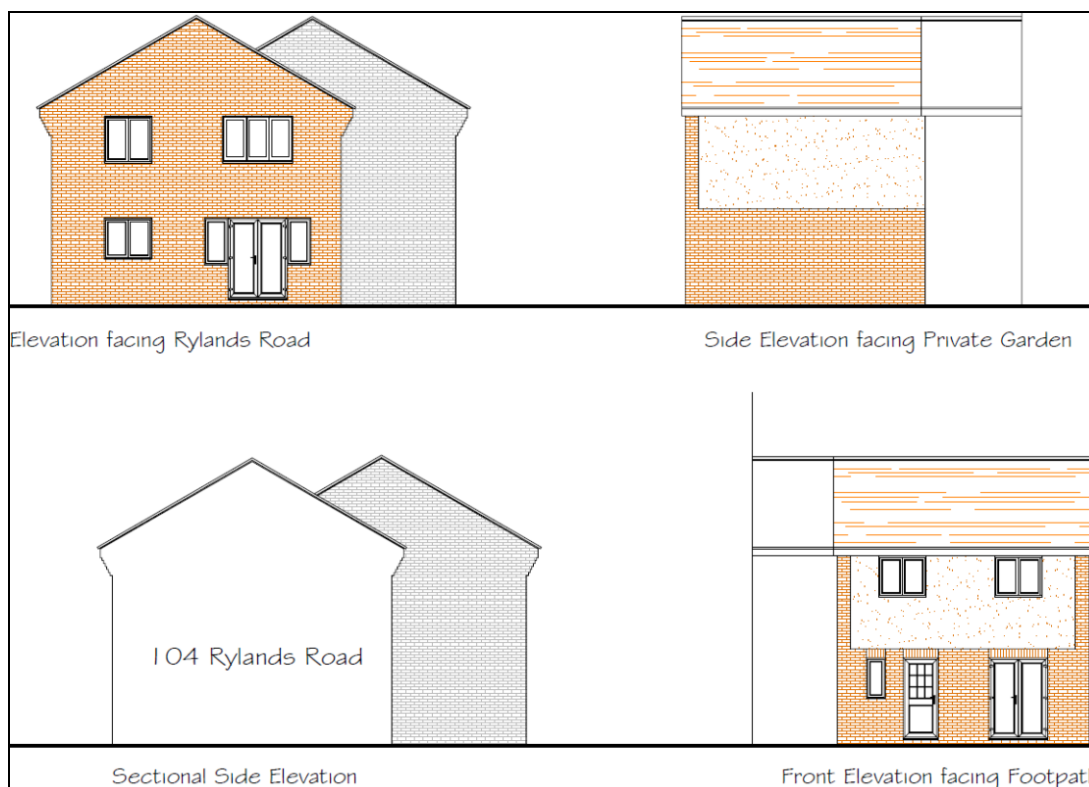


Figure 4: Proposed elevations

## Planning History

No relevant planning history.

## Consultations

Scheme as originally submitted (one detached dwelling):

**Ward Member:** No comments received.

**Kent Highways and Transportation:** no comments.

**Project Delivery Engineer (Drainage):** no objection, subject to conditions

**Neighbours:** 6 consulted, 1 representation to object and 1 response in support

Objection response to the application on the following grounds:

- loss of privacy
- overshadowing impact
- harm to the character of the area
- odour from bin stores

Response in support of the application on the following grounds:

- removal of trees to allow for parking
- respects the character of the area

Re-consultation following amended plan showing one new dwelling attached to the terrace row:

**Ward Member:** No comments received.

**Neighbours:** 6 re-consulted, notification expiry date 13.02.2017. Any responses will be reported at the meeting.

## Planning Policy

9. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and has now closed. At present the policies in this emerging plan can be accorded little or no weight.
10. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

EN12 – Private areas of open space

### **Local Development Framework Core Strategy 2008**

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS4 – Ashford Urban Area

CS9 – Design Quality

CS15 – Transport

CS20 – Sustainable Drainage

**Urban Sites and Infrastructure DPD 2012**

U0 – Presumption in Favour of Sustainable Development

**Draft Local Plan to 2030**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU3 - Residential development in Ashford urban area

HOU10 - Development of residential gardens

HOU12 - Residential space standards internal

HOU13 - Homes suitable for family occupation

HOU14 - Accessibility standards

HOU15 - Private external open space

TRA3a - Parking Standards for Residential Development

TRA6 - Provision for Cycling

ENV9 - Sustainable Drainage

11. The following are also material to the determination of this application:-

**Supplementary Planning Guidance/Documents**

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

### **Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2012

12. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.
13. The Development Plan policies for this application are consistent with the NPPF, so shall be given considerable weight.

#### National Planning Policy Guidance (NPPG)

#### Technical housing standards – nationally described space standard

## **Assessment**

14. The main issues for consideration are:
  - Principle
  - Visual amenity
  - Residential amenity
  - Parking and highway safety
  - Sustainable drainage

## **Principle**

15. The development is located within the built confines of Kennington, where the principle of minor residential development or infilling is acceptable provided no harm is identified in the sub-headings below.
16. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
17. The Council does not have a five year supply of deliverable housing sites, as documented in the Annual Monitoring Report (AMR) (2015/16). Given the need for housing in the borough and the significant weight in the NPPF in terms of the delivering of a wide choice of high quality homes (paragraph 50), the provision of an additional residential unit is of benefit. Unless any adverse impact of the development significantly and demonstrably outweighs the benefits, then in view of a presumption in favour of sustainable development, permission should be granted.

## **Visual Amenity**

18. The dwelling has been designed to complement the appearance of the existing pattern of development, as it would be two storeys in height with elevational treatments to match the adjoining buildings.
19. The boundary to Rylands Road would have closeboard fencing, This would introduce a hard boundary treatment for an extended length and detract from the large, open grassed areas. Therefore, to soften the appearance revised details can be secured by condition; this could include planting in-front of a timber fence.
20. The two Leylandii are visually prominent and healthy, however, they are large specimens and scale above the built form and enclose the space, therefore, the felling of these trees would open up the site and be an enhancement.
21. The use of render at the first floor level would contrast with the existing attached buildings that have cladding and therefore the new building would appear more prominent in the streetscene.
22. The pattern of development comprises terraced rows with gaps at the ends; this contributes to the sense of spaciousness. As a result, the end terrace plots are larger, have an irregular shape and provide landscaping areas to break up the built form and hardstanding areas.



23. The proposal would be attached to no. 104 however due to the constraints of the site would be set forward of the building line and 3.4m forward of no. 104. Whilst the dwelling would be set away from the boundary with Rylands Road the juxtaposition with the existing terrace row and use of materials at the first floor would result in an incongruous and contrived form of development.
24. The grassed area is used for informal parking and the proposal would have two off street parking spaces, at the southern end of the plot. Front gardens are used for car parking in the locality; however, this is a prominent position adjacent to elongated front gardens and would appear isolated.
25. The proposal would not complement the existing pattern of development and would not add to the quality of the urban environment as the site layout would erode and would not respect the pattern of surrounding development.

### **Residential amenity**

26. The proposed dwelling would result in an addition to the built form to two storeys in height (5.0m to the eaves and 7.4m to the ridge), this would project 3.4m forward of the door and primary window to a habitable room of no. 104. This would result in an unacceptable overbearing impact, to the openings closest to the proposed attached dwelling given the proximity and extent of this forward projection.
27. No. 104 faces south east and as a result the proposed development would result in a degree of overshadowing in the morning only otherwise the windows would continue to get daylight for most of the day. Due to the distance and juxtaposition of adjoining buildings there would be no significantly detrimental impact.
28. There are already first floor windows that result in some overlooking of adjoining gardens, given that this is a built up, urban location the additional first floor windows would not result in any materially harmful loss of privacy.
29. The bin stores are identified in the garden of the proposed dwelling. This is a similar arrangement to existing properties and maintain neighbour amenity.
30. The proposal would meet the Technical housing standards as the room sizes and internal floor areas would meet the re required standards.
31. The garden would be at least 10m in length so would meet the Council's requirements in the Residential Space and Layout SPD.
32. There would be a degree of change in relationships and due to the position, scale and proximity of the two storey dwelling attached to no. 104, there would be an adverse overbearing impact.

### **Parking and highway safety**

33. The scheme makes provision for sufficient parking (2 spaces for the dwelling) to serve the future residents in accordance with the Council's adopted Residential Parking SPD.
34. The proposal would also include secure and covered cycle storage to encourage sustainable modes of travel.
35. The proposal is for the net increase of one dwelling, therefore, there would be no significant impact on highway safety and capacity.

### **Sustainable drainage**

36. The 'block paving' areas for parking should be permeable, thus ensuring that this area does not increase surface water runoff as a result.
37. The conceptual approach of discharged surface water to two, 300L water-butts is acceptable with an overflow to soakaways (or surface water sewer). The ground conditions here allow for infiltration to ground, which would be the preferred approach, however, soakage rates should be proven with infiltration tests undertaken in accordance with BRE Digest 365. Therefore, subject to a condition regarding the details of the drainage system including on-site storage, infiltration tests and suitable soakaway design, the proposal is acceptable.

### **Human Rights Issues**

38. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

### **Working with the applicant**

39. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

40. The principle of minor residential development or infilling within the built confines of Ashford, is supported by the Development Plan. Chapter 7 of the NPPF emphasises the importance of good design which is consistent with the Development Plan. However, the proposal would not respect the context of existing development and would not improve the character and quality of the area and the way it functions. The NPPG goes on to state that “development should seek to promote character in townscape ... by responding to and reinforcing locally distinctive patterns of development.” Due to the use of render, position, layout and loss of private open space due to the larger garden to the side for no. 104, the proposal would result in a contrived form of development and would be out of scale and character with the context of development in the surrounding area.
41. The scale, extent and proximity of the built form to no. 104 Rylands Road would also result in a loss of amenity for the existing property from a materially harmful overbearing impact contrary to the Development Plan, which is consistent with the NPPF.
42. Whilst there would be benefits from the additional residential unit, this does not outweigh the significant and demonstrable harm identified to the visual and residential amenity. Therefore, it is recommended that planning permission is refused.

## Recommendation

### Refuse

#### on the following grounds:

The proposal would be contrary to policies SP1, SP6, HO3 and HOU10 of the Draft Ashford Local Plan 2030, policy EN12 of the saved Ashford Borough Local Plan 2000, policies CS1 and CS9 of the Local Development Framework Core Strategy 2008 and policy U0 of the Urban Sites and Infrastructure DPD, as well as Central Government advice contained in the NPPF and NPPG and would therefore be contrary to matters of acknowledged planning importance for the following reasons.

1. The proposed development, by virtue of the use of render, loss of open spatial character and position of the building would have an adverse impact upon visual amenity of the streetscene, and would be out of scale and character with the context of development in the surrounding area.

2. The proposed development, by virtue of the scale, position and proximity to no. 104 Rylands Road to which the new dwelling would be attached, would result in an adverse overbearing impact.

### **Note to Applicant**

#### **1. Working with the Applicant**

#### **Working with the Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/agent was provided the opportunity to submit amendments to the scheme to address the issues raised.
- the applicant/agent responded by submitting amended plans, which addressed some of the matters raised, however, the amended plans did not address all the outstanding issues and the application was therefore, recommended for refusal.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/00942/AS.

**Contact Officer:** Kelly Jethwa, Senior Planning Officer

**Telephone:** (01233) 330589

**Email:** [kelly.jethwa@ashford.gov.uk](mailto:kelly.jethwa@ashford.gov.uk)

Annex 1

