

Application Number	17/00761/AS
Location	12 Conker Close Kingsnorth Ashford TN23 3LL
Grid Reference	60133/13944
Parish Council	Kingsnorth
Ward	Park Farm North
Application Description	Retrospective erection of 1.8m fence to boundary and change of use of land from amenity to residential use.
Applicant	Mr P O'Brien 12 Conker Close, Kingsnorth, Ashford, TN23 3LL
Agent	Mr P Webster 18 Dukes Meadow, Hamstreet, Ashford, TN26 2HD
Site Area	50m ²

(a) 7/2S (b) R (c) -

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member.

Site and Surroundings

2. The site is located on the modern estate of Park Farm within Kingsnorth Parish. It is comprised of a detached two storey dwelling, located at the end of a cul-de-sac. A private road runs alongside the south eastern boundary of the site leading to neighbouring dwellings.

Proposal

3. Retrospective permission is sought for the erection of a 1.8m close boarded fence to the southeast boundary and change of use of land from amenity to residential use as enclosed garden. Prior to the development being carried out, there was an existing 1.8m high close board fence set back from the driveway by 1.8 metres with an area of landscaping in front of it that contained a tree and grassed area.

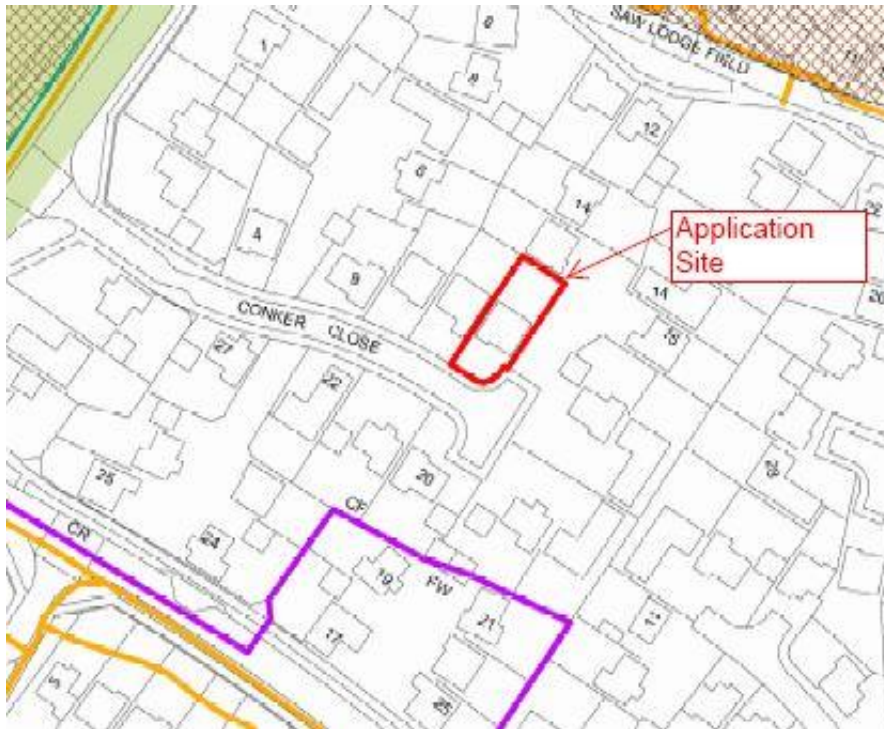


Figure 1: Site Location Plan



Figure 2: Original elevations

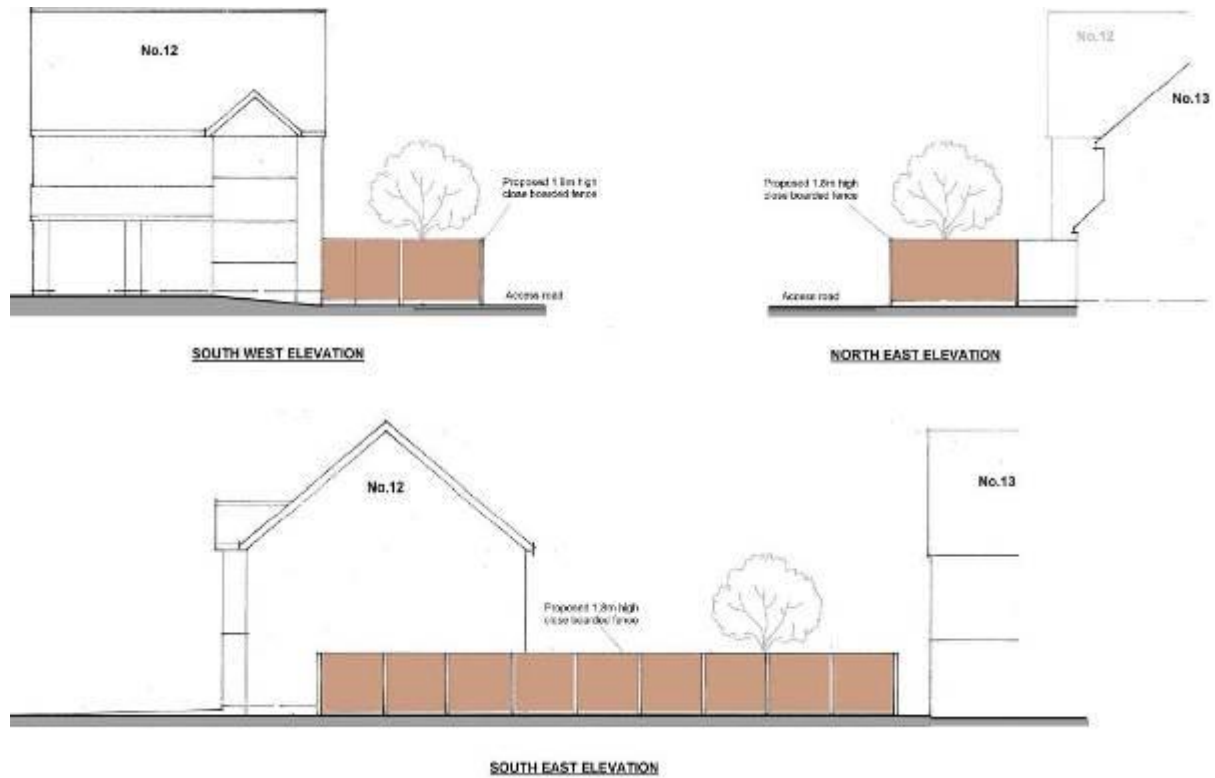


Figure 3: Existing Elevations



Figure 4: Block Plan

Planning History

DC	FA	97/00124/AS	Erection of 45 detached houses with garages and associated highway works	PERM	16/04/1997
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Consultations

Ward Member: Is not a member of the Planning Committee. Has no issues with the application. The fencing is of high quality and has enhanced what was an otherwise unsightly, untidy and unkempt area as also commented on by neighbours. Fully supports this application.

7 Neighbours consulted: Two comments received in support with the following;

- The strip of land was over grown, messy and quite unsightly. The area is now bordered by a new fence of good construction and appearance which is a significant improvement from what was there before. As a direct neighbour I have absolutely no problem with this change of appearance and use of land.
- In reality, this small amenity area was an area of broken glass, brambles and bad parking (causing damage to the ground), rubbish and animal faeces. Surely, it is not right to risk returning it to this state. The new fence is a high quality improvement.

Kingsnorth Parish Council: Objects, stating that “when amenity land is converted to garden and enclosed by 1.8m high fencing the amenity value of attractive landscaping is destroyed to detriment of other residents of the development, walkways become claustrophobic and unwelcoming and potentially dangerous if not overlooked and traffic sight lines can be compromised. Retrospective action encourages other residents to follow suit. This flies in the face of the design of the entire development”.

Planning Policy

4. 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 the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016 - 30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and closed after 8 weeks. Proposed ‘Main Changes’ to the draft Local Plan were approved for further consultation by the Council on 15 June 2017 and consultation has now commenced. At present the policies in this emerging plan can be accorded little weight.

5. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles for Sustainable Development and High Quality Design.

CS9 – Design Quality.

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

Local Plan to 2030

SP1 - Strategic Objectives

SP6 - Promoting High Quality Design

National Planning Policy Framework (NPPF) 2012

6. 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. The following sections of the NPPF are relevant to this application:-
7. Paragraph 14 sets out a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.
8. Paragraph 17: Inter alia, one of the 12 core planning principles include:
- “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.*

Assessment

9. The main issues for consideration are:
- Impact on visual amenity
 - Impact on residential amenity

Impact on visual amenity

10. The location of the fencing to the south east of the dwelling encompasses the majority of the previous amenity land but leaves a strip of grass land of approximately 0.8m deep to the highway. Alongside the new fencing there is no footpath but a private vehicular access to dwellings to the rear which is shared between vehicles and pedestrians – this is not changed by the development.
11. Residents have commented that the land was previously very untidy and overgrown being used for the deposition of waste and rubbish. They welcome the development as they consider that it has resulted in a visual improvement to the locality. The parish council is concerned about the loss of amenity of land which is considered to add visual value to development of this nature. A small area of grass remains such that the feeling of openness would not be unduly eroded nor would there be a loss of an important area of used amenity land. The development would therefore not result in visual harm.

Impact on residential amenity

12. The Parish Council have also commented that the loss of amenity value of attractive landscaping would be detrimental to neighbouring residents, resulting in a claustrophobic and potentially dangerous development, however, neighbouring residents have commented on the attractive fencing which has resolved issues relating to rubbish, broken glass, inappropriate parking and animal issues on the amenity land.
13. The location and height of the fence does not cause any overbearing impact on neighbouring properties . Sight lines would not be affected. The proposal does not result in a narrow entrance into the cul-de-sac with opportunities for people to hide and therefore I do not agree that the development is dangerous. The area is still overlooked by adjoining properties.
14. Given this, and taking into consideration the nature of the development, as well as the comments made by both the Parish Council as well as local residents, I consider that the development would not result in harm to residential amenity.

Human Rights Issues

15. 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

16. 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

13. Residents are supportive of the development as it has resulted in the tidying up of what was an unsightly area of land. The parish council is concerned that the development results in a loss of amenity land and an oppressive form of development for residents. Whilst the area of land would be enclosed it is adjacent to a vehicular access where a small strip of grassland would remain to soften the impact of the development. On balance given the above assessment I am satisfied that the proposed development would not result in harm to both visual amenity or residential amenity and would therefore comply with the requirements of Development Plan policy and Central Government guidance. I therefore recommend that planning permission be granted.

Recommendation

Permit

Note to Applicant

1. 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 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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/00761/AS.

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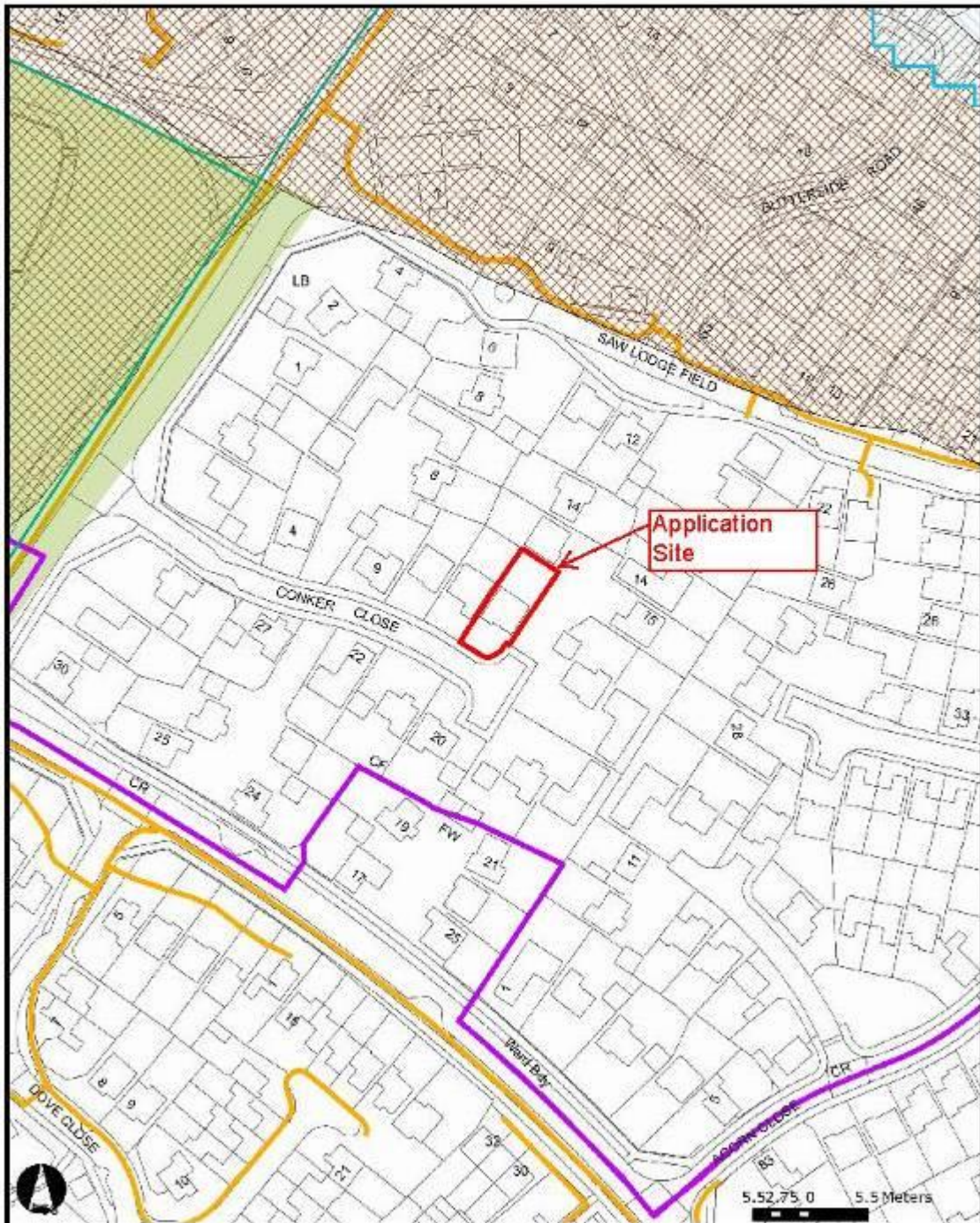
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Annex 1



Ashford Borough Council



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