

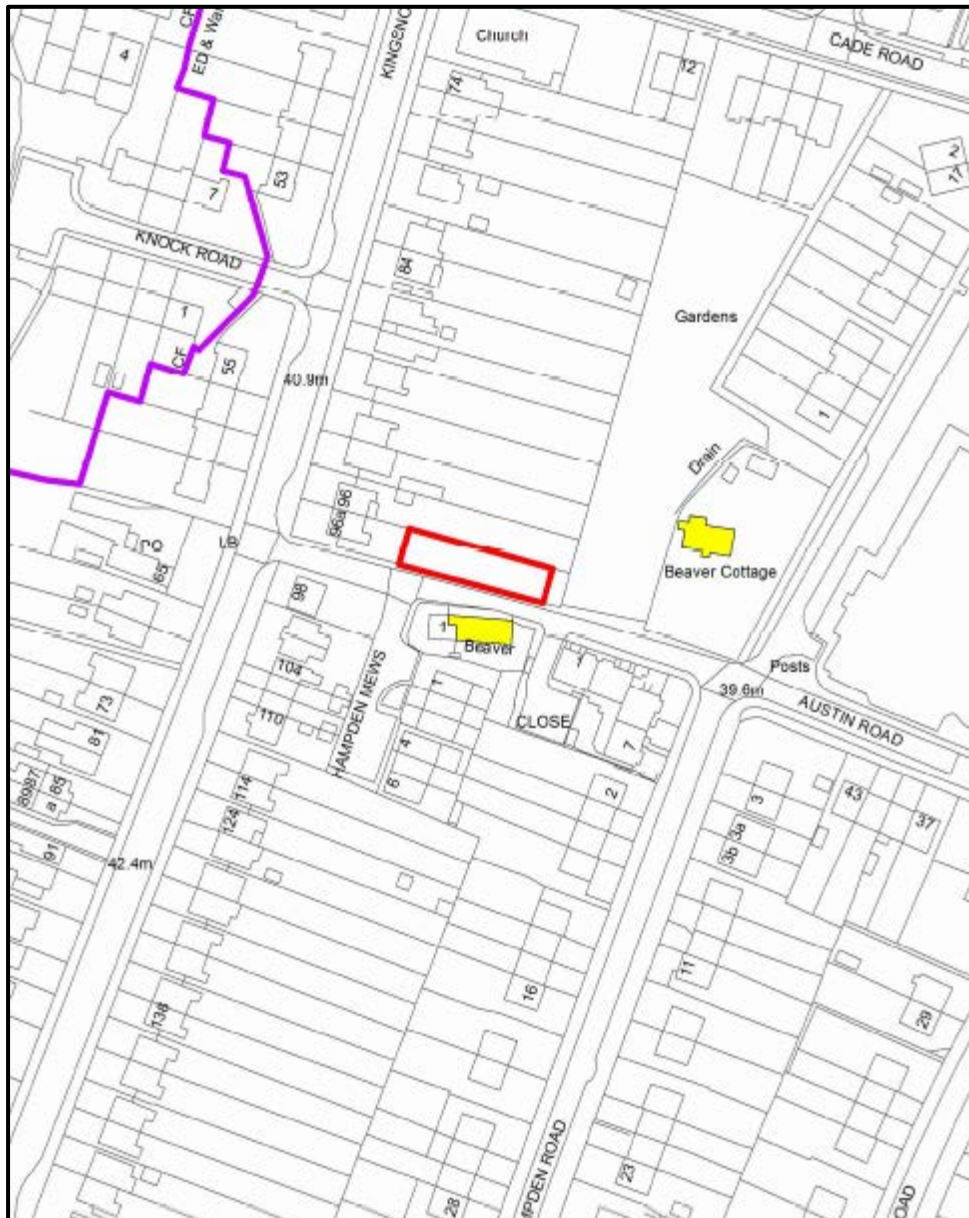
<b>Application Number</b>	17/00950/AS
<b>Location</b>	Land to the rear of 96A, Kingsnorth Road, Ashford, Kent
<b>Grid Reference</b>	00463/41043
<b>Parish Council</b>	South Ashford
<b>Ward</b>	Norman
<b>Application Description</b>	Erection of a new single storey two-bedroom dwelling (resubmission of 16/01186/AS).
<b>Applicant</b>	Ms Bushra, Bushra Consulting Ltd, c/o agent
<b>Agent</b>	Bob Edden, Bob Edden Architect, 11 Somerfield Barn Court, Main Road, Sellindge, Kent, TN25 6JD
<b>Site Area</b>	0.0245 hectares

### Introduction

1. This application is reported to the Planning Committee at the request of Cllr Webb.

### Site and Surroundings

2. The application site relates to land located within the built confines of Ashford.
3. The application site is located on the east side of Kingsnorth Road and comprises a narrow plot of land which is located to the rear of number 96A Kingsnorth Road. Historically, the application site formed part of the rear garden of number 96A but is now within different ownership. The site is physically separated from 96A by a close boarded fence. A post and rail fence runs the length of the boundary adjacent to the footpath adjoining Hampden Lane. The site is unmanaged and remains in an overgrown state.
4. The site lies opposite Beaver House a Grade II listed building. To the east, the site adjoins allotments, and beyond this is Beaver Cottage, also Grade II listed.
5. A plan showing the application site in relation to its surroundings is found below and also attached as **Annex 1** to this report.



**Figure 1 Site Location Plan**

### **Proposal**

6. The application seeks permission for the erection of a new single storey two bedroom dwelling with associated parking and cycle storage. Access is proposed off Hampden Lane to the south.
7. The palate of materials would include slate tiles for the roof, facing brickwork, UPVC windows and timber doors.

8. The existing fencing to the side and rear boundaries is to be retained. A new 1.8 metre high fence close boarded fence is proposed to be erected inside the post and rail fence adjacent to Hampden Lane.

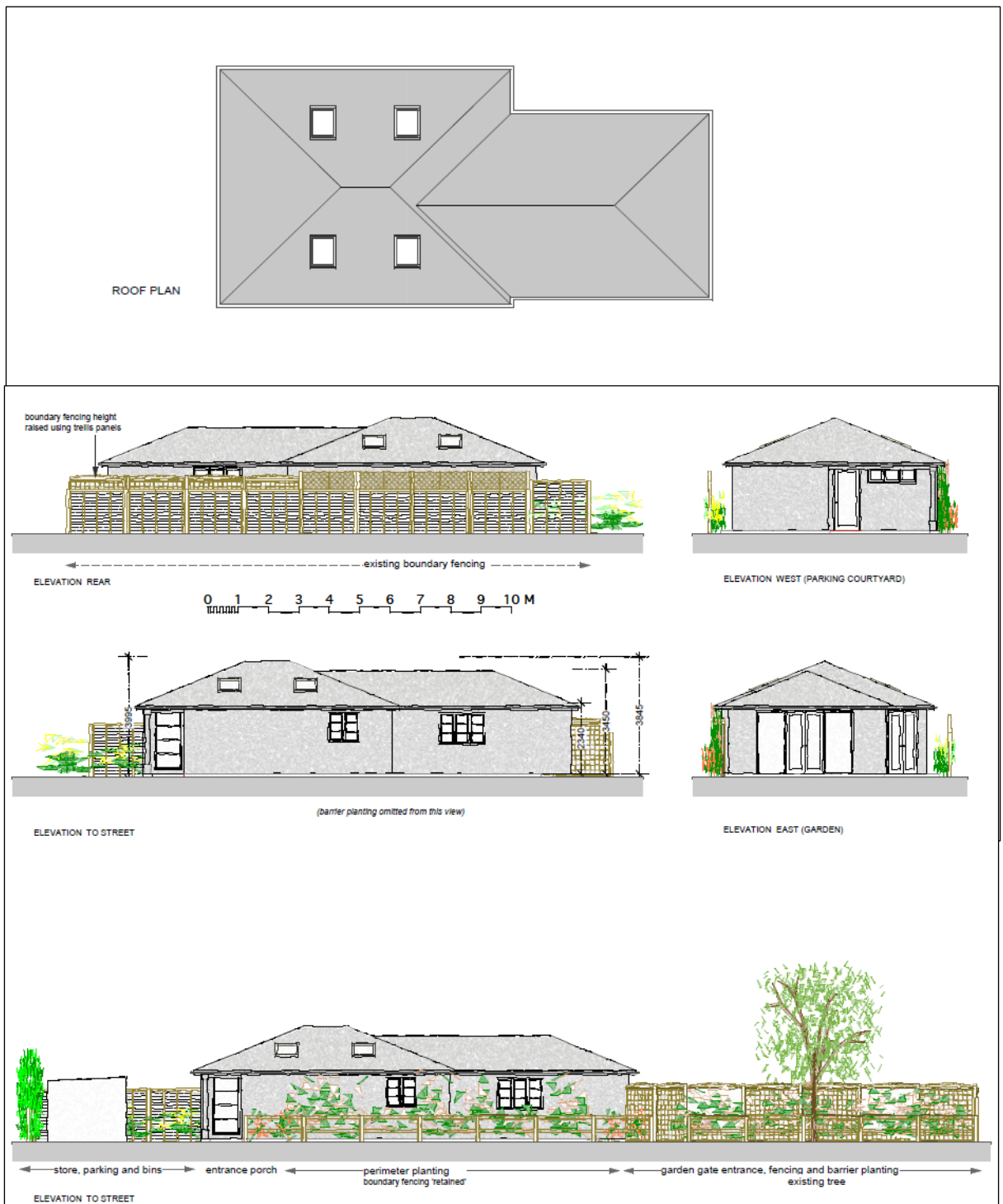
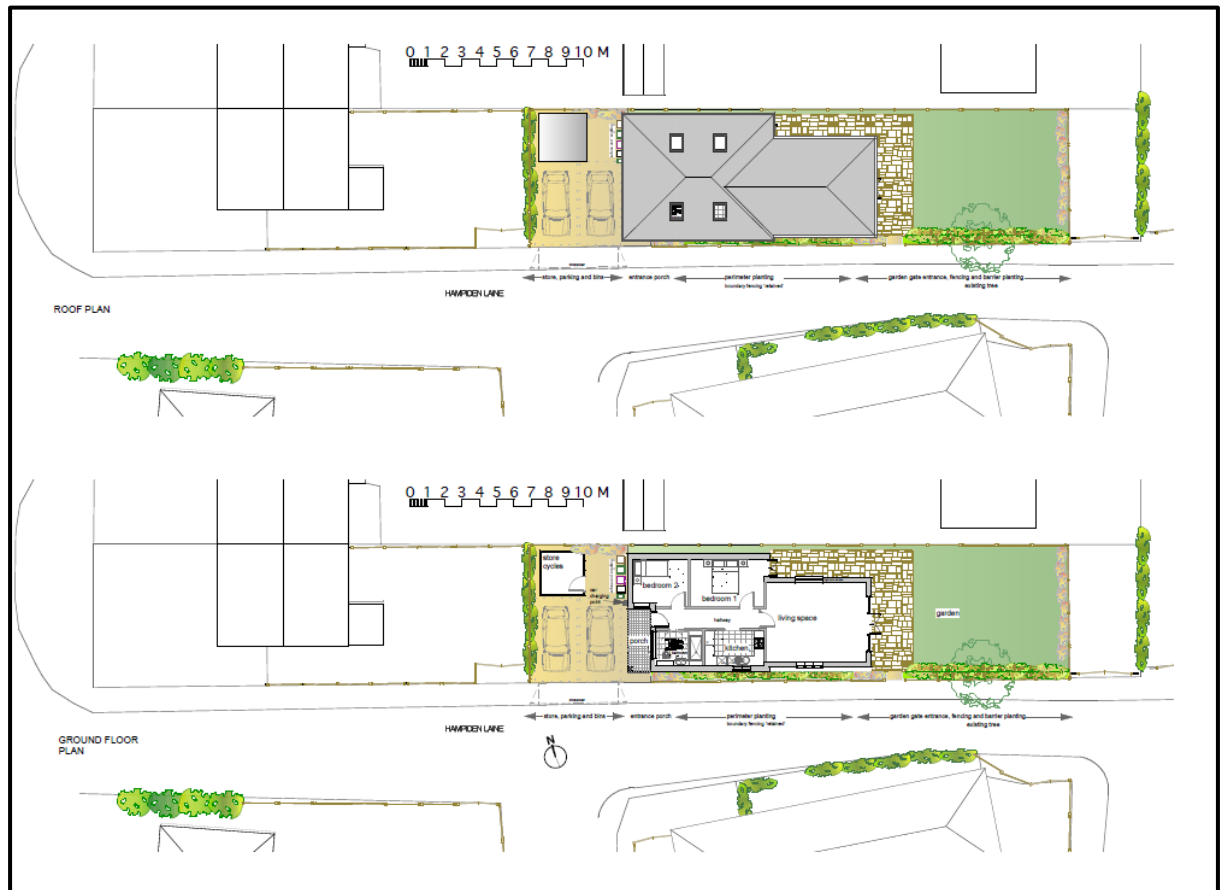


Figure 3 Proposed Elevations



**Figure 4 Proposed Site Layout**

9. In support of the application, the following information has been submitted:

### **Ecological Survey**

10. The survey concludes the following:

11. Multiple parcels of Habitat of Principle Importance (HPI) were identified within a 1 km radius of the site. Given the size and nature and urban locality of the site, and the distance between identified HPIs and the site, it is considered highly unlikely that any protected and notable habitats would be adversely impacted by the proposed development.

12. Based on the survey results and information available, it should be possible to mitigate potential ecological constraints on protected and notable species through the selection of appropriate precautionary working methods.

13. It is recommended that habitat clearance works be undertaken outside the main nesting bird season (September to February inclusive). If this is not possible, all areas of suitable habitat must be inspected by an ecologist to determine the presence / absence of any nesting birds prior to clearance.
14. Any suitable bird nesting habitats that are lost should be replaced within the site with native and locally appropriate tree and shrub species and the erection of bird boxes.
15. Further bat surveys are not recommended. Any lighting associated with the development shall be directed away from suitable bat roosting features (for example adjacent trees and buildings) and covered to reduce light spill. Best practice construction measures to control light should also be implemented for the duration of the development.
16. It is recommended that habitat clearance works be undertaken using a sensitive vegetation clearance approach.
17. As a further precaution and given the size and nature of the site it is recommended that habitat clearance be undertaken under the supervision of an experienced ecologist and that areas of suitable reptile habitat are hand-searched immediately prior to reducing the vegetation to ground level.
18. Ecological enhancements such as planting, bat and bird boxes and dead wood habitat piles are also recommended.

### **Planning History**

12/00957/AS - Proposed garage and access onto highway. Permission Granted.

13/00496/AS - Erection of a single garage adjacent to the garage approved previously under application 12/00957/AS along with extending the dropped kerb. Permission Granted.

16/00328/AS - Erection of new single storey two-bedroomed dwelling. Refused.

16/01186/AS – Erection of a single storey dwelling (resubmission of application 16/00328/AS). Refused.

### **Consultations**

**Ward Members:** The Ward Member (Cllr Webb) has requested that the application is reported to committee. The ward Member is not a member of the Planning Committee.

**Kent Highways:** No comments received.

**KCC Archaeology:** No objection subject to conditions.

**KCC Biodiversity:** No objection subject to conditions.

**Southern Water:** No objection subject to conditions.

**ABC Environmental Health:** No objection

**Neighbours:** 19 Neighbours were consulted. A site notice was posted and the application was advertised in the press. 4 representations have been received objecting to/commenting on the application on the following grounds:

- Access
- Parking
- Impact upon visual amenity/out of character
- Impact upon Listed Buildings
- The proposal would preclude maintenance of the shared boundary
- Cramped development
- Health and safety during construction
- Damage to Listed Buildings during construction
- Light pollution

## **Planning Policy**

19. 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.
20. 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

EN23 Sites of Archaeological Importance

EN31 Important Habitats

**Local Development Framework Core Strategy 2008**

CS1 Guiding principles to development

CS2 The Borough wide strategy

CS9 Design quality

CS11 Biodiversity and Geological Construction

CS13 Range of Dwelling Types and Sizes

CS15 Transport

CS20 Sustainable Drainage

**Urban Sites and Infrastructure DPD 2012**

U0 Presumption in Favour of Sustainable Development

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

**Local Plan to 2030**

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Quality Design

HOU4 Residential Windfall Development within settlements

HOU12 Residential space standards internal

HOU14 Accessibility Standards

HOU15 Private external open space

HOU18 Providing a Range and Mix of Dwelling Types and Sizes

EMP6 Promotion of Fibre to the Premises (FTTP)

TRA3a Parking Standards for Residential Development

TRA6 Cycling

ENV1 Biodiversity

ENV4 Light Pollution and Promoting Dark Skies

ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV15	Archaeology

### **Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011 – External Space Standards Only

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

22. 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:-

- Paragraph 14 sets out the mechanism for determining applications in accordance with the presumption in favour of sustainable development.



- Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.
- Section 6 sets out about delivering a wide choice of high quality homes, including plan for the needs of different groups in the community including older people.
- Section 7 sets out requiring good design.
- Section 11 sets out conserving and enhancing the natural environment. Paragraph 118 contained within this section states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- Section 12 sets out conserving and enhancing the historic environment.

#### National Planning Policy Guidance (NPPG)

### 23. **Other Government Policy**

Technical Housing Standards – Nationally described space standards

#### **Background**

24. In October 2016, planning permission reference 16/01186/AS was refused for a dwelling on this site. Two reasons for refusal were given and these are copied below:
1. Due to its siting and scale, the proposed development would result in overdevelopment of the site and would appear as a cramped form of development in its contextual setting which would be out of character with and harmful to the established pattern of development and the street scene.
  2. Natural England's Standing advice lists habitat buildings or land where protected species are likely to be present. There are a number of features listed in the standing advice which apply to the application site. In the absence of appropriate surveys there is insufficient information

accompanying the application to determine the impact of the proposal on biodiversity.

25. Following the refusal of planning permission an appeal was submitted to the Planning Inspectorate. On 24 April 2017, the appeal was dismissed. In dismissing the appeal the Inspector concluded the following:
- Without an appropriate ecological survey of the site, insufficient information has been provided to conclude whether the proposed development would comply with the National Planning Policy Framework (the Framework), Circular 06/2005, Policy CS1 of the CS and Policy EN31 of the LP.
  - The Framework sets out a presumption in favour of sustainable development, which has three dimensions that must be considered together, being economic, social and environmental. The adverse environmental impact of the proposed development arising from the lack of an appropriate ecological survey significantly and demonstrably outweighs the social and economic benefits, including the provision of a single dwelling, when assessed against the provisions of the Framework as a whole.
26. The Inspectors decision notice has been copied in full at Annexe 2.
27. Unlike the previous application, the current application is supported by an Ecological Survey dated 18 May 2017, undertaken by PJC Arboricultural, Ecological and Landscape Consultancy. In all other respects, the application is identical to the application dismissed at appeal.

### **Assessment**

28. The main issues to consider in the determination of this application are:
- The principle of development
  - Visual amenity
  - Heritage
  - Residential amenity
  - Parking and highway safety
  - Ecology
  - Drainage

## **Principle**

29. The Planning Inspector did not object to the principle of development. The development is located within the Ashford Urban Area, where minor residential development or infilling is acceptable.
30. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development and this should be seen as a “golden thread running through decision-taking”. There are three dimensions to sustainable development: economic, social and environmental.
31. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
32. The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 14 of the NPPF. In accordance with paragraph 14 of the NPPF, the Council’s relevant policies for the supply of housing are considered to be out of date, as the Authority cannot currently demonstrate a 5 year housing land supply. As such, in accordance with ‘the presumption’ development of the nature proposed should be permitted unless any adverse impact of doing so demonstrably outweighs the benefits.

## **Visual Amenity**

33. Policy CS1 and CS9 of the Council’s Core Strategy expect development proposals to be of high quality design.
34. Policy EN12 of the Local Plan states that private areas of open space should remain free from built development where they are undeveloped areas of land which provide visually important breaks between existing and proposed development; and where they are areas which make an important contribution to the setting of a town.
35. The above policies are consistent with the NPPF which states that the Government ‘attaches great importance to the design of the built environment (para. 56).
36. Paragraphs 7 to 10 of the Inspectors decision notice considers the impact upon the character and appearance of the area.
37. The Inspector states:

*“The development proposal would result in a house close to the Hampden Lane, with the private garden and parking areas to either side of the house and*

*adjacent to the road, that would provide a spacious appearance around the proposed building.*

*The layout would result in a similar relationship to Hampden Lane as that of Beaver House, although the proposed building would be single storey, such that it would be subservient to that building. To the rear of Beaver House is a small mews of bungalows, surrounding their communal parking area. Whilst there are no similar developments to the rear of houses fronting Kingsnorth Road on the opposite side of Hampden Lane where the appeal site is situated, such development would reflect the character and appearance of the surroundings”.*

38. The Inspector concludes that the proposed bungalow would not harm the character and appearance of the area and the site does not form an important break between existing and proposed development or make an important contribution to the setting of groups of buildings.
39. The proposed development is identical to that which formed the basis of the Inspectors assessment. Given that there have not been any significant changes to the physical condition of the site, relationship to surrounding buildings and relevant adopted Development Plan policies or the NPPF since the determination of the appeal, I find no justifiable grounds to depart from the Inspectors conclusions.

## **Heritage**

### Impact on the setting of Listed Buildings

40. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of such assets and their setting.
41. Policy CS1 of the Council's Core Strategy (CS) lists conservation and enhancement of the Borough's historic environment as one of its key planning objectives.
42. Emerging policy ENV13 states that proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported.
43. These criteria are consistent with Government policy set out in the NPPF. The NPPF is supported by the Planning Practice Guidance (PPG). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.

44. The Inspector determined that the proposed dwelling would be a modest bungalow that would be subservient to the Listed buildings in existence, such that it would not have an adverse impact on the setting of those listed buildings. For the reasons I have set out at paragraph 39, I find no justifiable grounds to depart from the Inspectors conclusions in this regard.

#### Archaeology

45. Under Local Plan Policy EN23, permission will be given for development affecting important archaeological sites of regional or local importance, but only in exceptional circumstances and only if the applicant has demonstrated that the site will be satisfactorily preserved either in situ or by record.
46. The site lies within an area of archaeological potential associated with Roman and Medieval activity. Beaver Cottage to the east and Beaver House to the south are both Listed Buildings dating from the 15<sup>th</sup> and 16<sup>th</sup> centuries. As such, feature of archaeological interest may survive on the site.
47. In view of the archaeological potential KCC Heritage recommend that a condition to secure *archaeological field evaluation and further archaeological investigation, recording and reporting, determined by the results of the evaluation*. Subject to this condition, I am satisfied that any features of archaeological interest will properly examined and recorded.

#### **Residential Amenity**

48. The Planning Inspector did not object to the development based on the impact on resident's amenity.
49. Paragraph 17 of the NPPF is consistent with local planning guidance in so far as it identifies a set of core land use planning principles that should underpin decision making including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
50. With regard to the residential amenity of the future occupiers, the dwelling would comply with the Nationally Described Space Standards internally and the Council's Residential Space Standards externally. A good standard of residential amenity for the future occupier would thus be provided in term of room and garden size.
51. Due to the orientation and distances maintained between existing properties and the proposed, I am satisfied the development would not result in unacceptable levels of overlooking. The presence of boundary treatments to a

suitable height would also mitigate against the impact of overlooking.

52. Due to the single storey nature of the development, its orientation, the fact it would be adjacent to the rearmost part of No. 96's garden, and in excess of 7 metres from other properties surrounding the site, I do not consider the development would be unacceptably overbearing or result in any unacceptable loss of light.
53. Overall I am satisfied that no significant or unacceptable harm to residential amenity of existing occupiers would result from this proposal.

### **Parking and highway safety**

54. Policy CS15 of the Core strategy and the Council's Residential Parking SPD relate to transport and parking.
55. The scheme makes provision for sufficient parking to serve the proposed dwelling in accordance with the Council's adopted Residential Parking SPD.
56. The proposal results in a net increase in one dwelling, therefore, there would be no significant impact on highway safety and capacity.
57. For the reasons above, I consider that the development would have no adverse impact on highway conditions.

### **Ecology**

58. Policy CS11 of the core strategy states that development should avoid harm to biodiversity and geological conservation interests. Policy EN31 of the Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
59. These policies are consistent with the NPPF which indicates that the planning system should contribute to and enhance the natural and local environment.
60. As stated previously, unlike the previous application, the current application is supported by an Ecological Survey.
61. The application has been subject to consultation with KCC Biodiversity who have advised that the precautionary mitigation measures in relation to breeding birds and reptiles should be undertaken as per the recommendations in the survey submitted. This can be secured by a condition attached to any grant of planning permission. Similarly, as per the requirements of the NPPF, and as advised by KCC, ecological enhancements should also be secured by condition.

62. Based on the information submitted, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010 and that subject to conditions, the proposed development will not result in any adverse impacts on matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the development plan and NPPF.

### **Drainage**

63. With regards to surface water drainage, a scheme should be designed to incorporate sustainable drainage systems in line with policy CS20 of the Core Strategy and the Council's SUDs SPD.
64. It is likely that the a feasible surface water drainage solution can be provided if the application is permitted. This can be secured by imposing an appropriately worded condition.
65. The application advises that foul sewerage will be dealt with by connecting to the existing drainage system and Southern Water has recommended a condition relating to this matter.

### **Human Rights Issues**

66. 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**

67. 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**

68. The development is located within the Ashford Urban Area, where minor residential development or infilling is acceptable. Based on the Inspector's appeal decision relating to an identical proposal, I have concluded that the proposed development is of an acceptable design and will represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policy EN12 of the Local Plan and policies CS1 and CS9 of the Core Strategy.
69. In terms of the impact of the development on the setting of the Listed Buildings nearby, and archaeology it is concluded that no harm would arise in accordance with policies EN23 of the Local Plan, CS1 of the Core Strategy and policies ENV13 and ENV15 of the emerging Local Plan to 2030.
70. I have further concluded that there would be no material harm to neighbouring or future occupier's amenity and highway safety. By imposing a condition, officers are able to ensure that the proposals would comply with the Council's technical standards for drainage. The application is supported by an Ecological survey. KCC Biodiversity are satisfied with the content and recommendations within the survey. For these reasons I am satisfied that the proposal adequately addresses the Inspector's previous grounds for dismissing the appeal and would accord with policies EN31 of the Local Plan, CS11, CS15 and CS20 of the Core Strategy.
71. In conclusion, the proposal would comply with the development plan as a whole.

## **Recommendation**

### **Permit**

#### **Subject to the following conditions and notes:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

**Reason:** To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. No development above foundation level shall be carried out on the land until samples and written details including source/manufacturer of the materials to be used in the construction of the external surfaces of the development (including details and samples of any hardsurfacing) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved external materials.

**Reason:** In the interests of visual amenity.

4. Before any works above foundation level are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details and location of rainwater goods;
- b) Details of electricity and gas meter boxes and any external pipe work including their location on the buildings;
- c) Details and sections through eaves; and
- d) Details of all windows including recess depth of glazing

**Reason:** In the interests of visual amenity.

5. No site clearance, preparation or construction works shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holiday.

**Reason:** To protect the amenity of local residents.

6. The vehicle parking spaces shall be provided in accordance with details approved on drawing number 1177D3 003 Revision D before any dwelling is occupied, and shall be retained for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking facilities.

**Reason:** To ensure adequate provision for vehicle parking in order to prevent the displacement of car parking, in the interest of highway safety, and in the interest of visual amenity.

7. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water and such approved works shall be carried out before occupation and appropriately retained and maintained.

**Reason:** To avoid pollution of the surrounding area.

8. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

**Reason:** In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 and in accordance with the Councils Sustainable Drainage SPD.

9. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before any development above foundation level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants 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.

**Reason:** In order to protect and enhance the amenity of the area.

10. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved enhancement measures shall be implemented prior to the first occupation of the dwelling hereby approved and shall be retained and maintained thereafter.

**Reason:** To enhance biodiversity.

11. The development shall be carried out in accordance with the details of precautionary mitigation contained within the Ecological Survey dated 18 May

2017 undertaken by PJC Consultancy unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of protecting Biodiversity.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A - F of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

**Reason:** In the interests of protecting the character and amenities of the locality.

13. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of amenity of adjoining residents.

14. The boundary treatment shall be provided before the occupation of the dwelling, in accordance with details approved on drawing numbers 1177D3021 Rev D and 1177D3050 Rev D and shall thereafter be retained and maintained.

**Reason:** To ensure a satisfactory appearance upon completion and in the interest of amenity.

15. The storage facilities for bicycles and refuse shall be provided, in accordance with details approved on drawing numbers 1177D3021 Rev D, 1177D3050 Rev D and 1177D3003 Rev D before the use is commenced or the dwelling is occupied, and shall be retained and maintained available for use by the occupiers of the premises thereafter.

**Reason:** To ensure the permanent retention of cycle parking in the interest of promoting sustainable modes of transport, and to secure storage for refuse in the interest of visual amenity.

16. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and

timetable which has been submitted to and approved by the Local Planning Authority

**Reason:** To ensure that features of archaeological interest are properly examined and recorded.

17. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

### Notes 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

- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

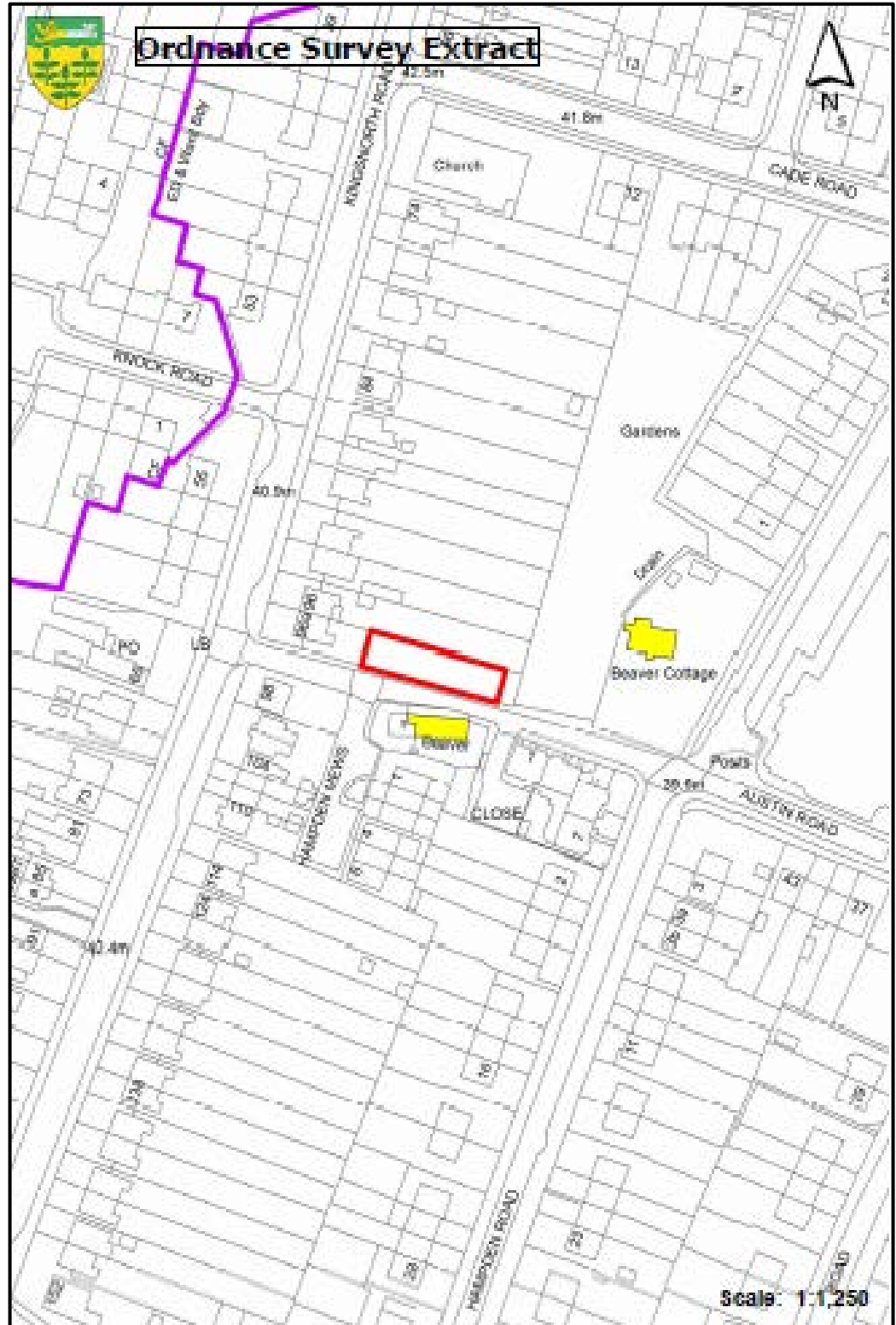
2. "the developer should assure himself a capacity check is carried out to ascertain an appropriate point of capacity in the existing sewerage system where capacity available to serve the proposed development, in order to protect the properties downstream from flooding, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)"
3. The applicants attention is drawn to the comments received from Southern Water a copy of which can be viewed on the Councils website at <http://planning.ashford.gov.uk/>.

### **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 //AS)

**Contact Officer:** Claire Marchant  
**Email:** [claire.marchant@ashford.gov.uk](mailto:claire.marchant@ashford.gov.uk)  
**Telephone:** (01233) 330739

Annex 1



Annex 2



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## Appeal Decision

Site visit made on 4 April 2017

by **AJ Steen BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 24 April 2017**

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**Appeal Ref: APP/E2205/W/16/3166340**

**Land fronting Hampden Lane and to east of 96A Kingsnorth Road, Ashford,  
Kent TN23 6HU**

- 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 Bushra against the decision of Ashford Borough Council.
  - The application Ref 16/01186/AS, dated 2 August 2016, was refused by notice dated 14 October 2016.
  - The development proposed is erection of new single storey two-bedroomed dwelling (resubmission - 16/00328/AS refers).
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposed dwelling on the character and appearance of the surrounding area; and
  - whether the proposed development would affect ecology and biodiversity in the area.

### Reasons

#### *Ecology and biodiversity*

3. There is limited information before me on the ecological value of the site. However, the Council indicate protected species may be present on the site or land adjacent. The site is currently overgrown scrub and may provide suitable refuge for protected species, with an area of allotments adjacent. As such, the site is reasonably likely to have some significance either in its own right or in combination with the adjacent allotments in terms of providing habitat for protected species.
  4. National Planning Practice Guidance (PPG) and Circular 06/2005: Biodiversity and Geological Conservation confirm that surveys should be carried out prior to planning permission being granted where there is a reasonable likelihood of a protected species being present and affected. Policy CS1 of the Ashford Borough Council Core Strategy (CS) and Policy EN31 of the Ashford Borough Local Plan (LP) seek to protect the natural environment, including important habitats.
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5. Should protected species be found on the site, it is possible that the development could not go ahead in its proposed form. On that basis, this issue could not be appropriately dealt with by condition.
6. In conclusion, without an appropriate ecological survey of the site, insufficient information has been provided to conclude whether the proposed development would comply with the National Planning Policy Framework (the Framework), Circular 06/2005, Policy CS1 of the CS and Policy EN31 of the LP. Although I understand that this was not referred to in the refusal of an earlier application and was not requested during the application process, but in the absence of that information I have to conclude that the development would affect ecology and biodiversity in the area.

*Character and appearance*

7. Hampden Lane is a narrow lane that extends between houses fronting Kingsnorth Road through an area of residential development and allotments to an industrial estate. That part closest to the junction with Kingsnorth Road is particularly narrow, with the listed Beaver House set close to one side of the road to the rear of houses fronting Kingsnorth Road and Beaver Cottage, also listed, a short distance away on the opposite side of the road. Neighbouring Beaver House is the small development of Thomas Close that comprises terraced houses set close to the road. Overall, the area has a diverse character.
8. The land to the rear of 96A Kingsnorth Road is currently an overgrown area with a post and rail fence separated from no. 96A and over Hampden Lane from Beaver House. Like Beaver House, the site has little depth from the road such that the development proposal would result in a house close to the Hampden Lane, with the private garden and parking areas to either side of the house and adjacent to the road, that would provide a spacious appearance around the proposed building.
9. The layout would result in a similar relationship to Hampden Lane as that of Beaver House, although the proposed building would be single storey, such that it would be subservient to that building. To the rear of Beaver House is a small mews of bungalows, surrounding their communal parking area. Whilst there are no similar developments to the rear of houses fronting Kingsnorth Road on the opposite side of Hampden Lane where the appeal site is situated, such development would reflect the character and appearance of the surroundings.
10. For these reasons, I conclude that the proposed bungalow would not harm the character and appearance of the area. As such, it would comply with Policies CS1 and CS9 of the CS and the Framework that seek to ensure development is of a high quality of design that respects the context of the site. The Council also refer to Policy EN12 of the LP, but the site does not form an important break between existing and proposed development and does not make an important contribution to the setting of groups of buildings.

*Other matters*

11. The listed buildings of Beaver House and Beaver Cottage are separated from the site by the allotments and Hampden Lane. The proposed dwelling would be



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- a modest bungalow that would be subservient to those buildings, such that it would not have an adverse impact on the setting of those listed buildings.
12. My attention has been drawn to the alleged lack of a 5 year housing land supply that is not disputed by the Council. The benefit of one extra dwelling, even in the face of the shortfall in housing land supply, can only carry limited weight compared with the identified harm.
13. The Framework sets out a presumption in favour of sustainable development, which has three dimensions that must be considered together, being economic, social and environmental. The adverse environmental impact of the proposed development arising from the lack of an appropriate ecological survey significantly and demonstrably outweighs the social and economic benefits, including the provision of a single dwelling, when assessed against the provisions of the Framework as a whole.

**Conclusion**

14. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*AJ Steen*

INSPECTOR