

Application Number	19/01262/AS
Location	13 Barrow Hill Terrace, Barrow Hill, Ashford, Kent, TN23 1NF
Grid Reference	600495 143040
Parish Council	Central Ashford
Ward	Victoria Ward
Application Description	Demolition of wall and gate at the rear of the property to accommodate car parking area and erection of new gates.
Applicant	Ms Vanagaite
Agent	N/A
Site Area	0.2ha
(a) 12/5	(b) Parish Council - (c) -

Introduction

1. This application is reported to the Planning Committee at the request of one of the Ward Members, Cllr Suddards.

Site and Surroundings

2. See corresponding planning application report 19/01278/AS that precedes this report on the agenda.

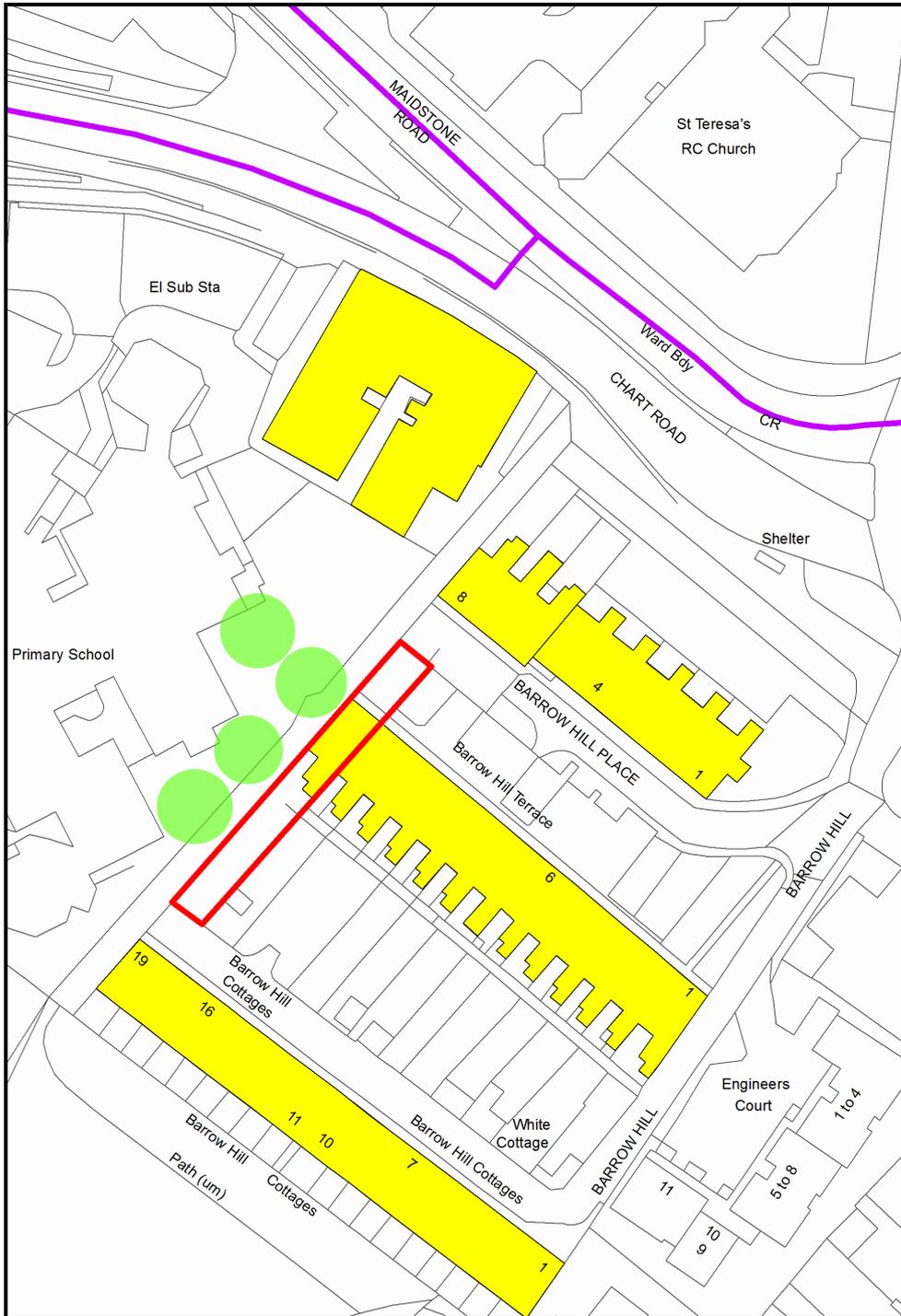


Figure 1 - Site location Plan

Proposal

3. Listed Building Consent is sought to demolish the boundary wall and gate at the rear of the property to accommodate a car parking area and the erection of new bi-fold gates.
4. During the course of the application, concerns were raised regarding the details of the proposed scheme, in particular the accuracy of measurements on the block plan. As a result, an amended block plan has been received which shows two cars parked in the garden, with bi-fold gates and amendments to some of the measurements and including a superimposed turning circle with a radius of 6m.



Figure 1 - Existing Block Plan

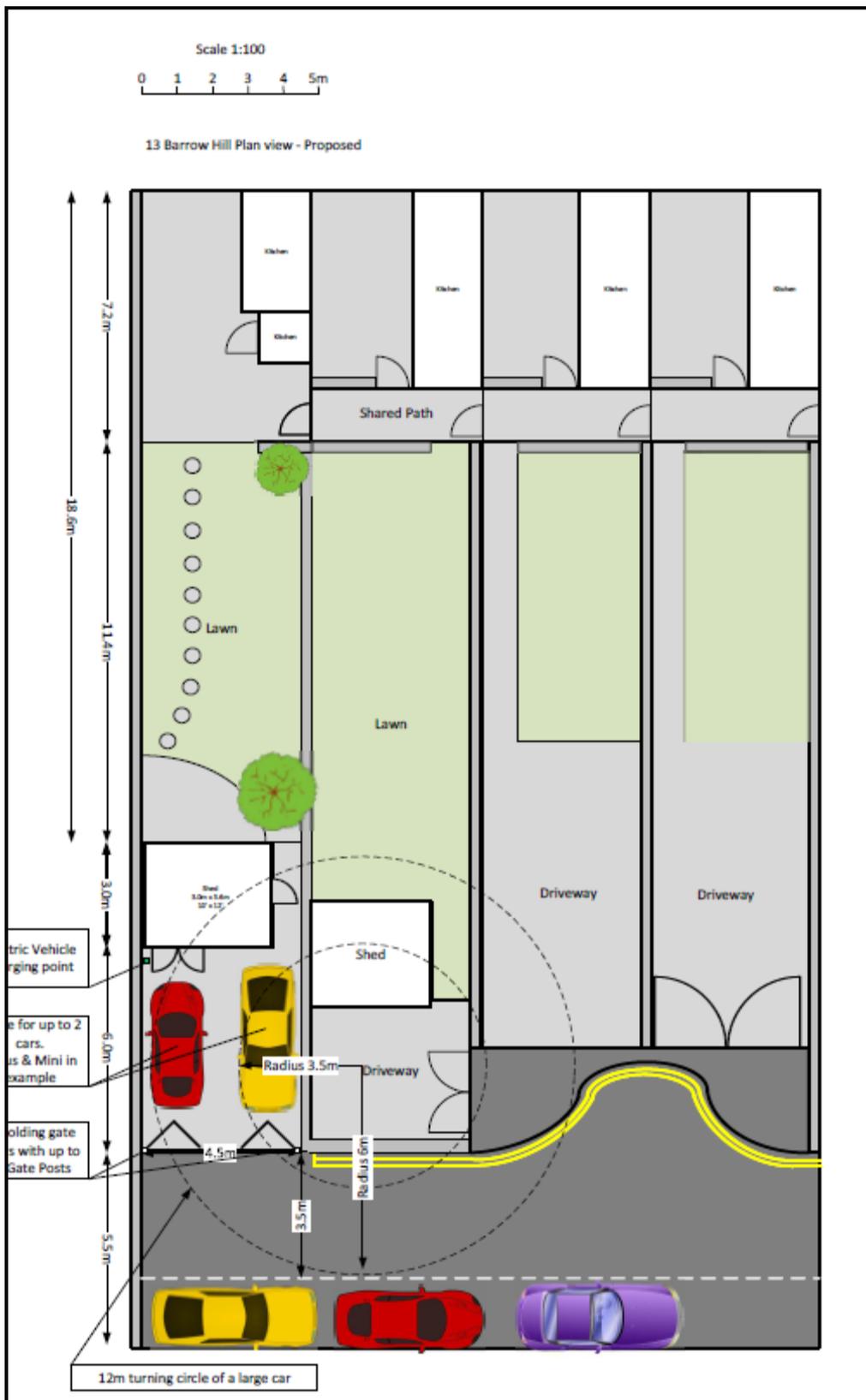


Figure 3 Amended Proposed Block Plan

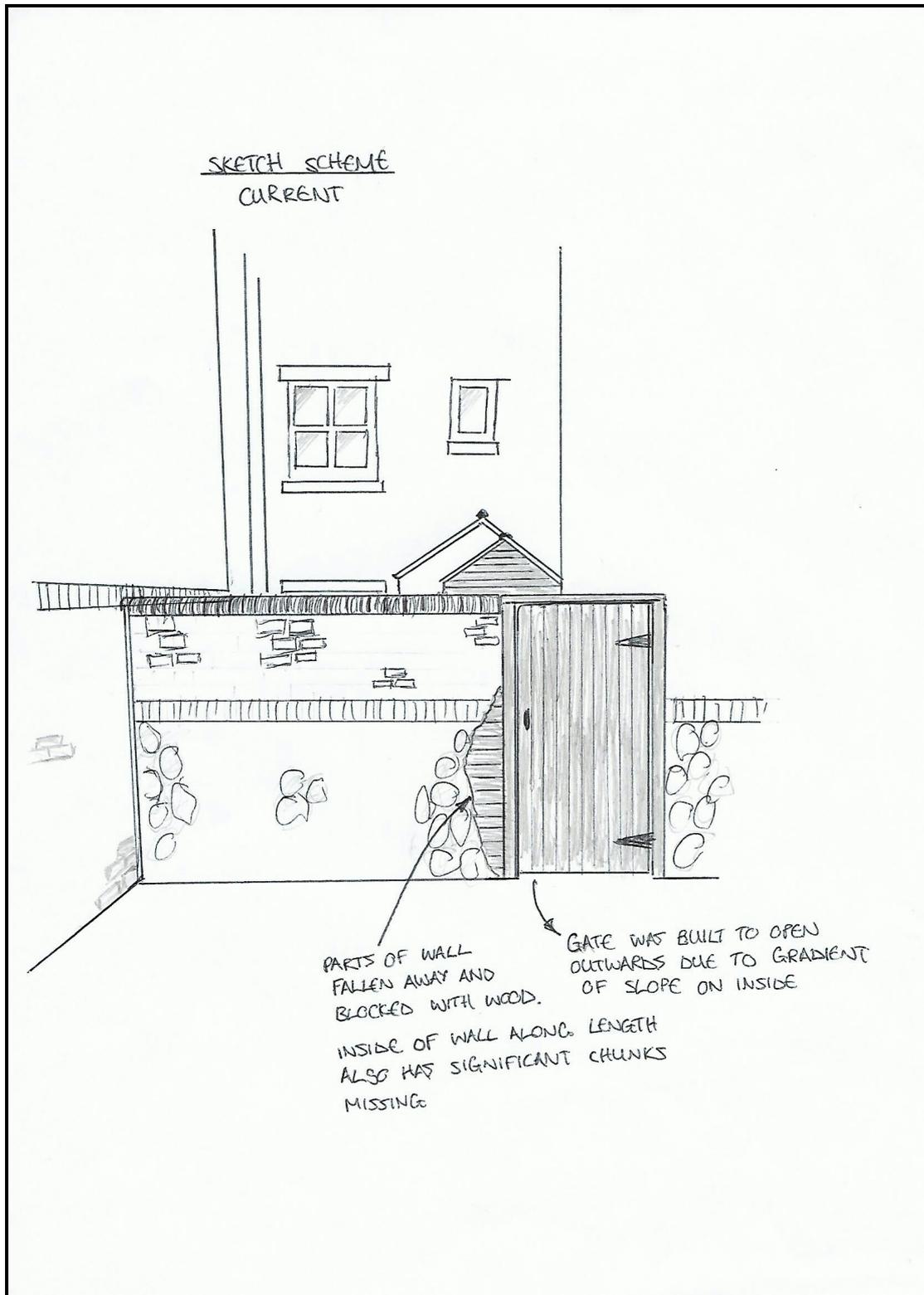


Figure 4 – Existing elevation

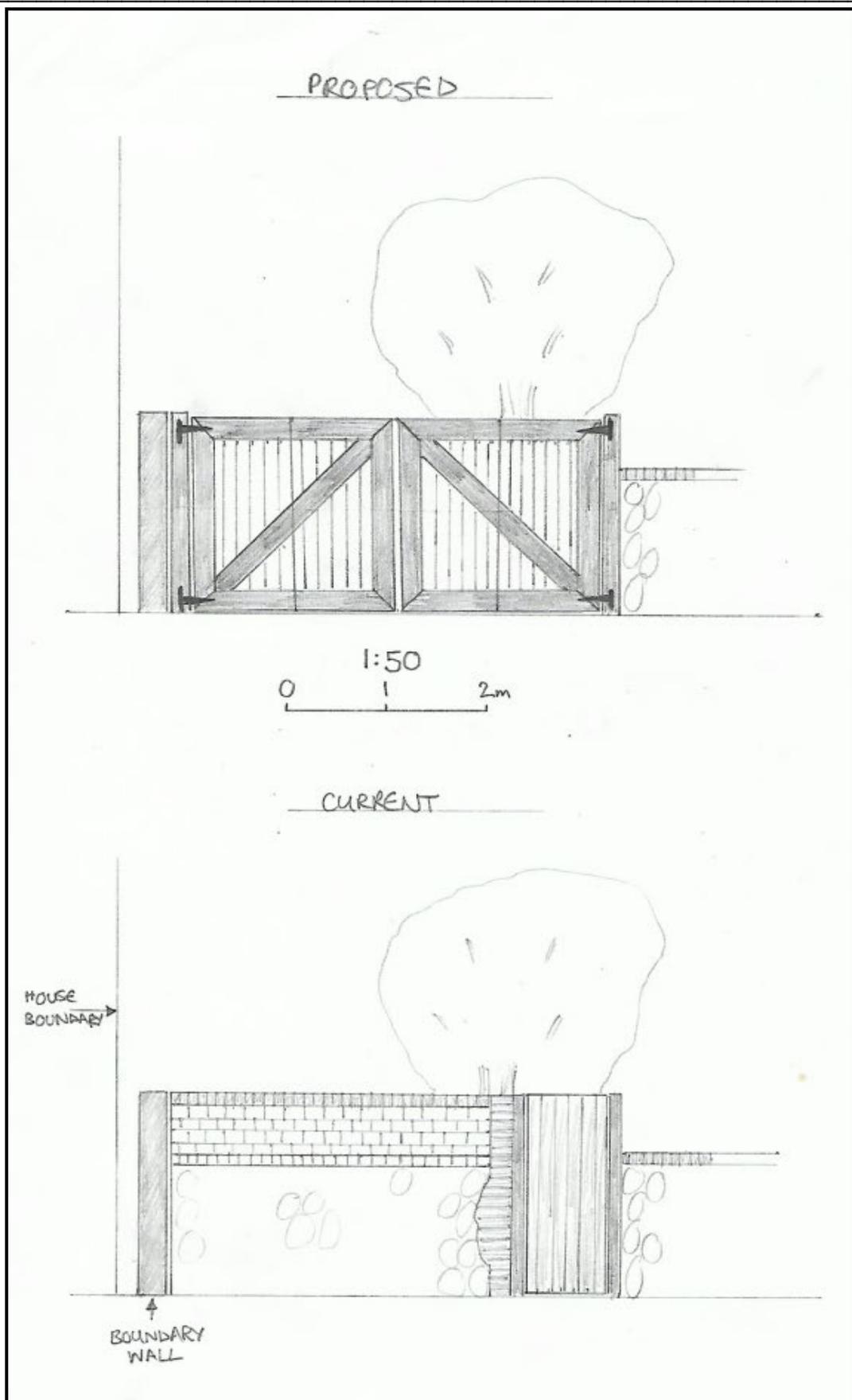


Figure 5 - Existing and proposed elevation fronting Barrow Hill Cottages

5. The submitted Heritage Statement/Design and Access Statement states that the group of Listed buildings forming Barrow Hill Terrace, Barrow Hill Cottages and Barrow Hill Place are distinctly different. The street scene is of a residential character and the parking “is under distress”. The rear wall, which is the subject of this application is “free standing” and does not reflect the styling of the main property or the surrounding buildings. The existing pedestrian gate opens outwards and is often blocked by parked cars.



Figure 6 - This photo was included in the Heritage Statement and Design and Access Statement. It shows the end of the double yellow lines and the outward opening pedestrian gate obstructed by a parked car.



Figure 7 - This photo was also included in the Heritage Statement and Design and Access Statement. It shows illegal double parking

6. The applicant lists the following information in support of the scheme, which will be addressed later in the report:-
- Gate and wall are in a poor state of repair
 - Wall does not share the same styling as the main property or surrounding buildings
 - Gate opens outwards and is blocked by parking on road outside, obstructing exit and bin
 - Increase in parking from new development on Prince Albert site
 - Will relieve parking pressure and improve the street scene
 - Opportunity to switch to an electric car which would need a charging point, environmental benefits

Planning History

06/00620/AS & Planning and LBC application	REFUSED	23/02/2004
06/00621/AS for the Demolition of wall at the rear of the property and rebuilding 6 meters north east to accommodate car parking area		
18/01703/AS LBC application for the Demolition of wall and gate at the rear of the property to accommodate car parking	REFUSED	28/02/2018

area and erection of new gate

7. The most recent application outlined above was refused on the same grounds as recommended at the end of this report – also see report reference 19/01278/AS that precedes this report on the agenda. This is a material consideration in the determining of this application which seeks the same proposed development other than the changes to the proposed gates.

Consultations

Ward Member: Cllr Suddards has requested that the application be determined by the planning committee, no comment has been received from the other Ward Member Cllr Farrell.

Neighbours: 12 consulted; 3 objections and 2 letters of support have been received. In addition a letter of support has been received from the applicant's partner. A petition supporting the scheme has also been received signed by residents of 24 properties. The letters of representation can be summarised as:

Letters of support:

- Reduction in on-street parking

Letters of objection:

- The likely loss or impact on two existing on-street parking spaces in order to allow cars to use the proposed off-street parking space due to the lack of manoeuvring space.
- The loss of the Listed wall
- Impact on Highway safety

Planning Policy

8. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
9. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
10. The relevant policies from the Development Plan relating to this application are as follows:-

SP1 – Strategic Objectives

SP6 - Promoting High Quality Design

ENV13 – Conservation & Enhancement of Heritage Assets

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

Government Advice

National Planning Policy Framework (NPPF) 2019

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 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.
14. The general approach to considering applications which affect Heritage Assets is set out in paras.193 and 194 of the NPPF, and states:
15. When considering the impact of a proposed development on the significance of a designated heritage asset (Listed buildings), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
16. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
 - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
17. Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. Paragraph 17 of the Planning Practice Guide states that "*Whether a proposal causes substantial harm will be a judgment for the decision taker, having*

regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

19. *While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."*

Assessment

The main issue for consideration is:

- **Loss of historic fabric and impact on setting of Listed buildings and visual impact**

20. See corresponding planning application report 19/01278/AS that precedes this report on the agenda.

Human Rights Issues

41. 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

42. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

43. The demolition of the rear wall will result in the loss of historic fabric and this would result in less than substantial harm impact to the setting of the

neighbouring listed buildings. For this reason the scheme does not comply with the Policy requirements. Under the Local Plan policies ENV13 and paragraph 196 NPPF, the Government requirement is that this harm can only be considered acceptable if it were outweighed by a genuine public benefit.

44. The public benefit test is not met for the reasons outlined above and in the preceding report for application 19/01278/AS.
45. Therefore on balance, the scheme is considered to be unacceptable.

Recommendation

Refuse Consent

On the following grounds:

The proposal would be contrary to Policies SP1, SP6 and ENV13 of the Ashford Borough Local Plan 2030 and to Government Guidance contained in the NPPF and would therefore be contrary to interests of acknowledged planning importance for the following reason:

1. The proposed demolition of the wall would remove an important Grade II listed structure from a street where there is a definite character of enclosure created by the high and substantially built walls. Further removal of this wall would have a detrimental impact upon the sense of enclosure and in turn would detract from and be harmful to the setting of the listed buildings including Barrow Hill Cottages and Barrow Hill Terrace which would result in less than substantial harm without public benefit to outweigh the harm.

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 Listed Building Consent reference 19/01262/AS

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