

Application Number	19/01278/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	Erection of new gate
Applicant	Ms Vanagaite
Agent	N/A
Site Area	0.2ha
(a) 12/5	(b) Parish Council - (c) KHS/R

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. The application site comprises a Grade II Listed, end of terrace house. The property dates from the early to mid C19. The southern boundary of this property is bounded by a 2m high wall made from Kent rag stone and brick. To one end of the wall a pedestrian gate has been inserted. The site location plan is shown in Figure 1 below.

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Planning Committee 18 March 2020

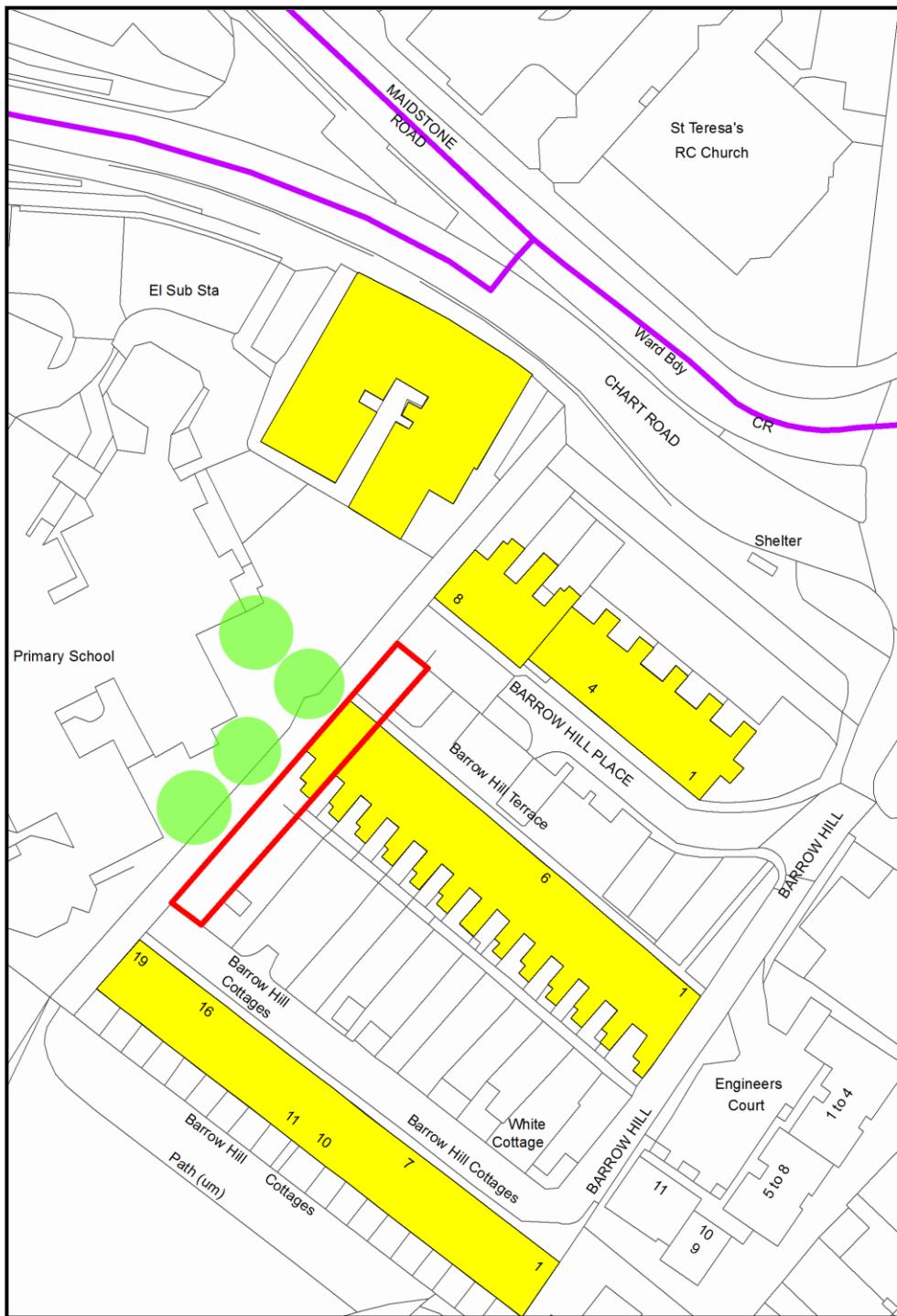


Figure 1 - Site location Plan

Proposal

3. Full planning permission 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 wooden 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 with a superimposed turning circle with a radius of 6m.

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Figure 2 - Existing Block Plan



Figure 1 – Originally submitted Proposed Block Plan

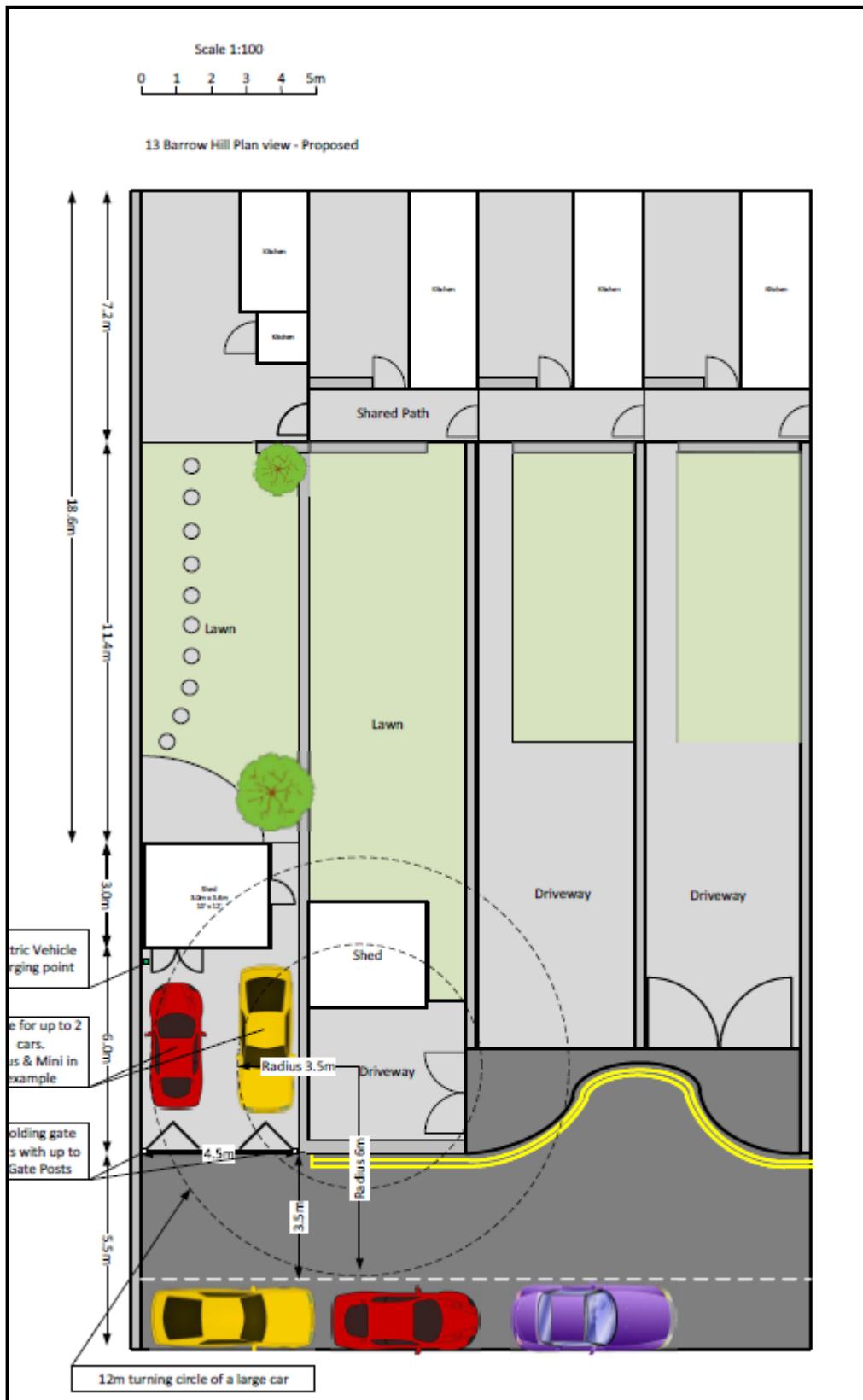


Figure 2 Amended Proposed Block Plan

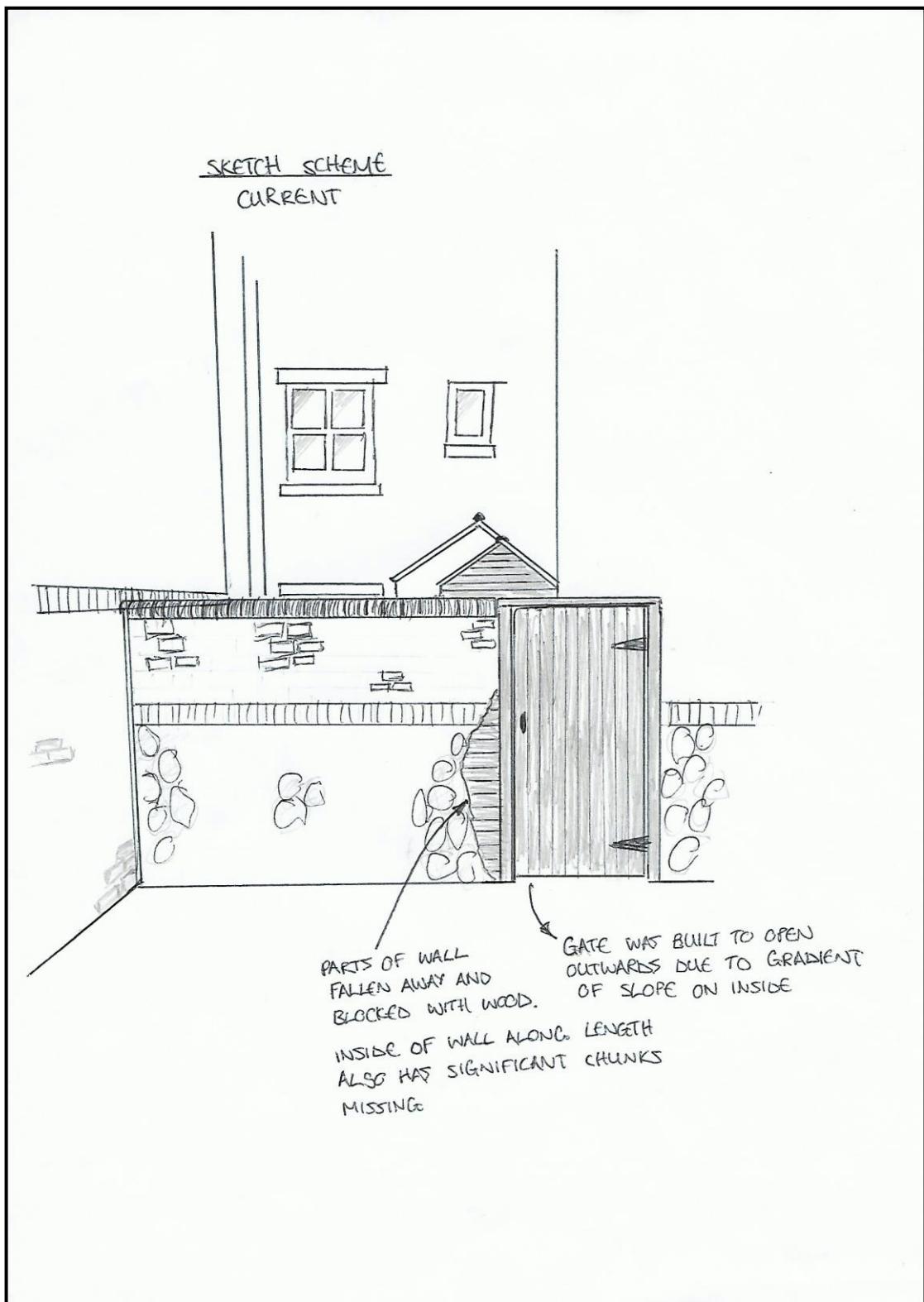


Figure 3 – Existing elevation

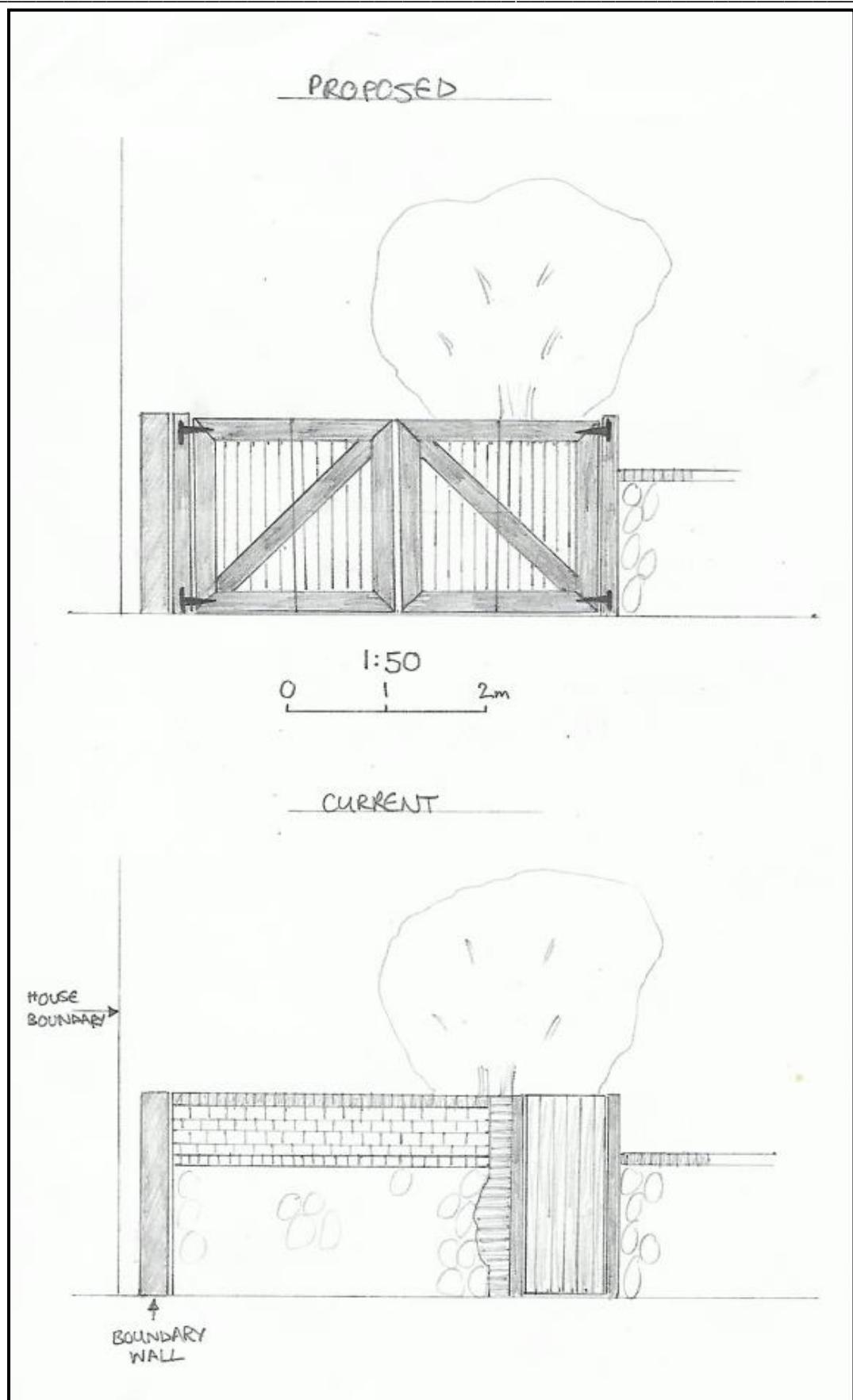


Figure 4 - Existing and proposed elevation fronting Barrow Hill Cottages

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 5 - 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 proposed 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 Listed Building REFUSED 23/02/2004

06/00621/AS Consent application 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 REFUSED 28/02/2018
Demolition of wall and gate at
the rear of the property to

accommodate car parking
area and erection of new gate

7. The most recent application outlined above was refused for the same grounds as recommended at the end of the corresponding LBC application – also see report reference 19/01262/AS. 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.

KCC Highways: Were formally consulted on the original planning application but did not comment. They were informally consulted on the amended scheme and offered comments at that time advising of their concerns.

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 through provision of additional off-road 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

TRA3a - Parking Standards for Residential Development

ENV13 – Conservation & Enhancement of Heritage Assets

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

Supplementary Planning Guidance/Documents

Residential Parking and Design SPD 2010

Government Advice

National Planning Policy Framework (NPFF) 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.*"
20. *Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*
21. *Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:*
- 22. *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
 - 23. *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*

24. *Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
25. *Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.*
26. *Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and*

Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Assessment

The main issues for consideration are:

- Loss of Listed boundary wall and impact on setting of Listed buildings and visual impact
- Parking & Highway safety

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

27. The proposal involves the removal of a section of masonry wall, approx. 3.5m which currently forms the rear boundary wall of the garden, facing onto Barrow Hill Cottages. The wall comprises a section of original Kent rag stone to the lower two thirds, with a red brick coping and on top of that is a later section of 6 courses of red brickwork with blue brick coping. This brings the wall to the same height as the adjoining side boundary brick wall between the Barrow Hill dwellings and an alleyway to the adjoining former school, which is also a Listed building and its modern replacement building.
28. Rag stone as a building material is a feature of Barrow Hill, forming all of the front elevation of Barrow Hill Cottages and the boundary walls. It is possible that Barrow Hill Terrace was also constructed of rag stone and has since been rendered. The use of rag stone in such large amounts suggests that the Barrow Hill Cottages were of a higher quality than similar modest cottages.
29. The section of rag stone wall proposed to be removed, was built as part of the rear boundary to all of the rear gardens in Barrow Hill Terrace, for a length of 65m. This shared wall has been punctuated in several places to provide pedestrian accesses and most notably to create a turning head (which will be referred to later). However, although these have impacted on the massing of the wall, as a combined structure it still offers a significant aesthetic contribution to the setting of the Listed dwellings in Barrow Hill Terrace and

more crucially to the setting of Barrow Hill Cottages, which lie directly opposite. Therefore, whilst the wall may not be in its original, unbroken form, its historic and aesthetic significance can be considered to be greater than the sum of its parts. There is a real sense of enclosure along this road which is created by this high and substantially built wall.

30. The 3.5m section of wall to be removed, could be considered as isolated and sacrificial, however, its contribution to the combined significance must not be underestimated. It would certainly constitute a loss of historic fabric, which is harmful, both in itself and in terms of the impact on the setting of the adjoining Listed terrace (Barrow Hill Cottages). This harm can be considered as less than substantial under the NPPF test. Where there is harm, the NPPF requires that it must be balanced against public benefit to outweigh this harm.
31. The Planning Practice Guidance defines these public benefits as needing to be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. In this instance, the public benefit could be only be applicable if there was a gain to the public, such as an improvement to the parking situation.
32. In 1979 a section of this wall was demolished under an Environmental Improvement Scheme by the Borough Council and rebuilt, set back, to create a turning area for the road. As a compromise for losing part of their rear gardens, the properties affected were given off-road parking areas. This recess in the wall, although considered necessary on highway safety grounds, has resulted in a visual break in the wall. Whilst this has had an impact on the sense of enclosure, the remaining sections either side still provide the sense of the historic boundary and sense of enclosure, which are valuable features to the setting of the group of both sets of Listed properties. Further loss of the wall in its existing alignment would further exacerbate this detrimental impact. At the time the Borough Council stated that they did not consider that this turning head was not intended to set a precedent for other properties in Barrow Hill Terrace, because of the detrimental effect that would arise from demolishing section of the wall. Obviously some considerable time has elapsed since the turning area was inserted and this original intention cannot be considered as being set in stone, however, it does provide evidence that even 40 years ago the value of the wall was given high regard and since this time, the consideration of impact on heritage assets has increased in importance.
33. As outlined in the proposal section, the applicant has put forward justification for the proposed works. Each of these are addressed in turn below.
34. **Gate and wall are in a poor state of repair.** Figure 8 is a photo included in the Heritage Statement and shows the inside of the wall. This light spalling to the stone work does not appear to be serious and could be repaired. It is certainly not so harmful that it would justify the demolition of the wall. It is the responsibility of the owner to maintain their property and allowing Listed

structures to deteriorate should not be considered as justification to demolish them. The gate is not an historic item and could be replaced without harm and could enhance the appearance compared to the existing situation.



Figure 8- Photo of existing wall condition to be demolished

35. **Wall does not share the same styling as the main property or surrounding buildings.** This is incorrect. The wall, both this section to the rear of no. 13 and the rest of the rear boundary wall to Barrow Hill Terrace, was originally built of Kentish rag stone, with later brick courses added on top to make it the same height as the adjoining brick wall to the alleyway. The use of rag stone matches the construction of Barrow Hill Cottages, which are all of rag stone. This use of materials makes a positive contribution to the setting of the Listed buildings.
36. **Gate opens outwards and is blocked by parking on road outside, obstructing exit.** The double yellow line stops short of the rear of no 13 Barrow Hill Terrace, which means that the only restriction to parking a car in front of it, is out of good neighbourliness. It is possible that the double yellow lines could be extended to prevent parking outside of the rear of no. 13 Barrow Hill Terrace. This would prevent obstruction of the pedestrian gate, but would not improve the current parking situation. It would be possible to alter the gate to open inwards, although as the applicant states, this is not straightforward due to the internal ground level changes which prevent the gate opening inwards at present.
37. **Increase in parking from new development on [former] Prince Albert site.** This new development was approved by Members of the Planning Committee and has sufficient parking provision on site in accordance with the Local Plan. On street parking in Barrow Hill is restricted to parking permits,

with public parking limited to 2 hours. This means that the residents of the new development would not be able to park in Barrow Hill for more than two hours at a time.

38. **Will relieve parking pressure and improve the street scene.** In theory the loss of one on-street parking space and the gain of two off-street parking spaces would be an improvement in parking provision. However, KCC Highways consider that the proposed scheme is not achievable and so there would not be a gain of any additional parking and if approved it could compromise highway safety to the detriment of highway safety.
39. **Opportunity to switch to an electric car which would need a charging point, environmental benefits.** If approved, it would not be possible to add a condition to the planning approval, requiring that either the current owner, or future owners use an electric car. Whilst this is a laudable aim, it is not possible to control through condition as it would not be reasonable to impose such a condition if planning permission were to be granted. Under the LBC, it would not be a consideration.
40. Therefore, in light of the above insufficient justification has been submitted to support the proposed loss of the wall, both in terms of the impact on historic fabric, but also it does not offer sufficient public benefit to outweigh the harm caused, which is the NPPF test and set out under policy ENV13 of the Local Plan where such harm arises. In such instances the proposal should be considered to have failed the test required by the NPPF and should therefore be refused.
41. The same proposal has previously been refused by the Council, which is a material consideration in the determination of this application. The planning policies since the refusal of LBC remain unchanged and therefore given the impact remains unchanged, the same conclusion is recommended for the reasons outlined below.

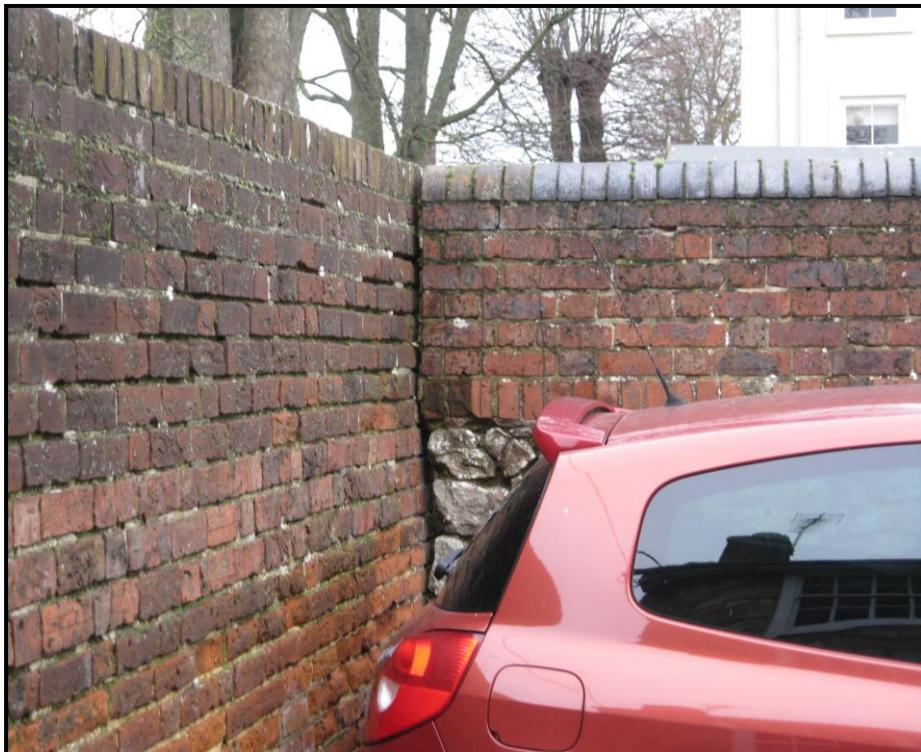


Figure 9 - This photo shows the junction between the rag stone wall to 13 Barrow Hill Terrace and the brick boundary wall to the adjacent alleyway adjacent to the school. It demonstrates that the rag stone wall was built after the alley wall, as there is no direct toothing in, but the stone wall has been carefully built to follow the contours of the wall.

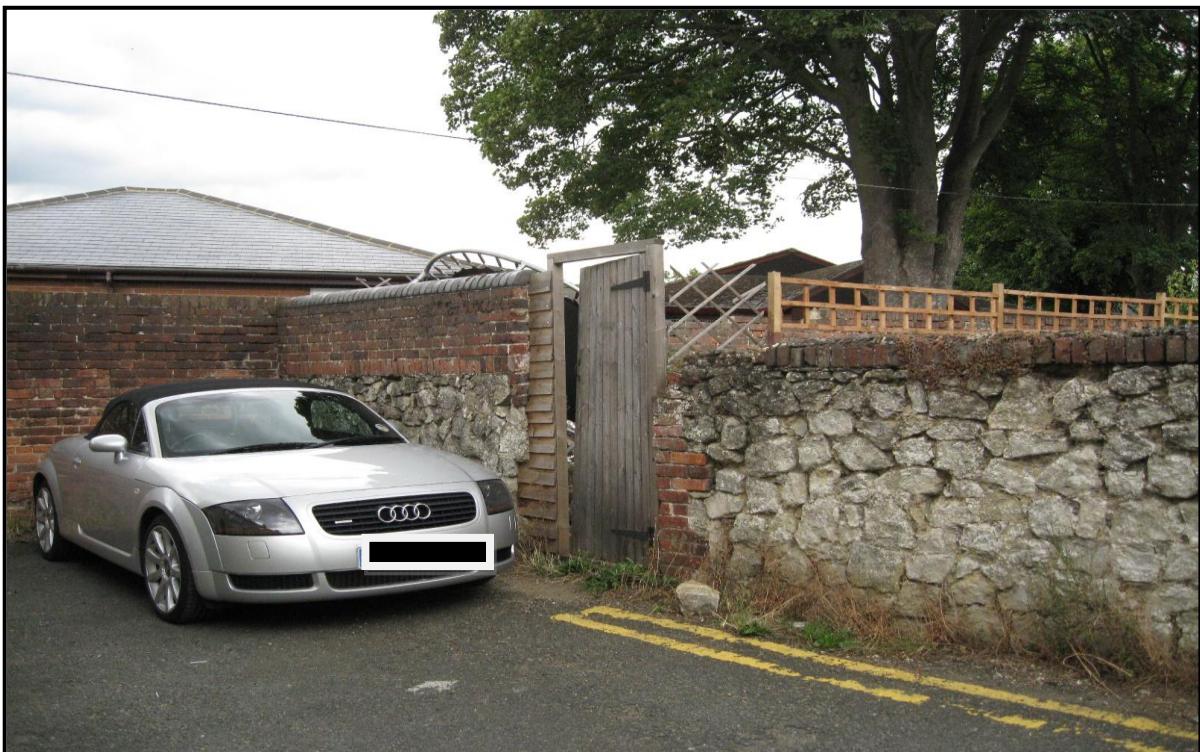


Figure 10 - This photo shows the direct visual relationship between the wall to the rear of no 13 and the wall to the rear of no. 12.

Parking and Highway safety

42. The dense development of Barrow Hill in the C19 did not foresee the modern emphasis on car use and the issues that it would create for parking. Part of the thrust of this scheme is that the two proposed private parking spaces would off-set the loss of one on-street public parking space.
43. The amended scheme has been designed to accommodate two specific cars, a Mini and a Ford Focus as shown on the proposed plans. The dimensions of the cars illustrated has been queried, as they do not reflect industry measurements for these makes and as such they give a misleading impression of the capacity of the site. The applicant considers them to be accurate.
44. The submitted block plan should therefore be treated as illustrative, rather than accurate. However, it is important not to focus on these measurements alone. The scheme needs to be suitable for all makes of cars, to serve both for this applicant and future owners. And for this reason we must apply the adopted Residential Parking Standards set out under policy TRA3a and the supplementary guidance contained within the Residential Parking SPD. These guidelines require, when two cars are parked side by side, with walls alongside, a minimum width of 5.4m for two vehicles. The width of the parking spaces is annotated as 4.5m in width. This is a shortfall of 900mm, which will compromise the effectiveness of the parking area and the manoeuvrability of cars into and out of the spaces.
45. The revised block plan also indicates a turning radius of 6m, which is a measurement that the applicant sourced online. KCC Highways require that there is a distance of 6m unhindered reversing space to the rear of the parking area. The annotated distance on the block plan is only 3.5m. This is a significant shortfall of 2.5m.
41. KCC Highways have seen the amended block plan and have advised that the submitted plans demonstrate that neither requirement, for the width of parking spaces or the reversing distance can be achieved given the constraints of the site and the highway, this is shown in figure 7 (see earlier in report) and figure 11 below. There is no satisfactory alternative which would enable sufficient parking and turning on site which would overcome this concern.



Figure 11 - Streetview image of Barrow Hill

42. Therefore, the submitted scheme is not achievable: the parking space is too narrow for two standard cars and it is not possible to provide anywhere near the required reversing distance for vehicles to reverse into or out of the spaces. As a result, whilst the proposed development is advanced on the basis that there is a net increase of one off-road parking space. As has been demonstrated, the two proposed parking spaces proposed on site, would fail to meet the required standards to enable them to be usable spaces. The loss of one on-road parking space within an already heavily utilised street would result in a reality where no net increase in parking could be achieved. Therefore, as a result there would be harm to highway safety to the detriment of other road users.

Human Rights Issues

43. 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

44. 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

45. The demolition of the rear wall will result in the loss of historic fabric and this would result in less than substantial harm to the setting of the neighbouring Listed buildings on Barrow Hill including Barrow Hill Cottages and Barrow Hill Terrace. For this reason the scheme does not comply with the Policy requirements. Under the Local Plan policies ENV13 and paragraph 193 NPPF, the Government requirement is that this harm can only be considered acceptable if it were outweighed by a genuine public benefit.
46. The submitted scheme does not comply with KCC Highway or Local Plan requirements. Therefore the proposed public benefit test is not met.
47. The proposal would result in harm to highway safety by virtue of the lack of adequately sized parking spaces and on-site turning to enable vehicles to park on-site and access and egress those spaces, which is put forward as the main public benefit to outweigh the loss of the wall and the resultant impact on the setting of listed buildings in the immediate area. For these reasons, the net effect would be no increase in off-road parking and a loss of on-road parking to the detriment of highway safety.
48. Therefore on balance, the scheme must be considered as unacceptable.

Recommendation

Refuse

On the following grounds:

The proposal would be contrary to Policies SP1, SP6, ENV13 and TRA3a of the Ashford Borough Local Plan 2030, Residential Parking SPD (October 2010) 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.

2. By virtue of the proposed development, there would be insufficient parking space for two vehicles and insufficient turning on site to enable vehicles to leave the access and egress the site. There would be a net loss of on-road parking to the detriment of highway safety.

Note to Applicant

Working with the Applicant

In accordance with paragraph 38 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 was provided the opportunity to submit amendments to the scheme/ address issues.
- 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 19/01278/AS)

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