

Application Number	20/00327/AS	
Location	Land SE of Plum Trees, Bowerland Lane, Chilham	
Parish Council	Chilham	
Ward	Downs North	
Application Description	Reserved matters application for the approval of details of the layout, scale, landscaping and appearance as set out by condition 1 and 9 on planning application 18/01569/AS (construction of two detached dwellings with associated access)	
Applicant	Mr and Mrs Russell	
Agent	DHA Planning	
Site Area	0.28 ha	
(a) 35/5S&7R	(b) PC +	(c) KCC Bio X KCC PROWX KCC H&T X

Introduction

1. This application is reported to the Planning Committee at the request of the Ward member, Cllr Dehnel.

Site and Surroundings

2. The site forms the large rear garden of a property known as Jayser. Jayser itself lies within the built confines of Old Wives Lees, however, the garden area to the rear which comprises the application site lies outside of the built confines. This is based on the confines drawn up by the parish council working with ABC and the local community and which has been informally endorsed.
3. Jayser is accessed from Cobbs Hill to the south, whilst the application site has an existing access from the track to the north, known as Bowerland Lane, which is accessed off Lower Lees Road.

4. To the north of the site is a cluster of farmyard buildings which have been converted into residential development. A bungalow on a large plot, known as Plum Tree, is situated to the north west of the application site with the rear gardens of properties fronting Cobbs Hill to the west, south and east. Beyond the site to the north east is open countryside.
5. A narrow public right of way (AE12) extends along the western boundary of the site linking Cobbs Hill to Lower Lees Road and the countryside to the north. The track along the northern boundary of the site is also a public right of way (AE13).
6. The site lies in the Old Wives Lees Orchards Landscape Character Area where the overall guideline is to conserve the landscape, including
 - conserving the rural setting of the Kent Downs AONB;
 - avoiding development on high and visually prominent ground;
 - conserving top fruit production;
 - conserving shelter belts and hedgerows and gap up where they have deteriorated;
 - avoiding the introduction of unnecessary fencing.
7. A site location plan is shown in Figure 1 below:

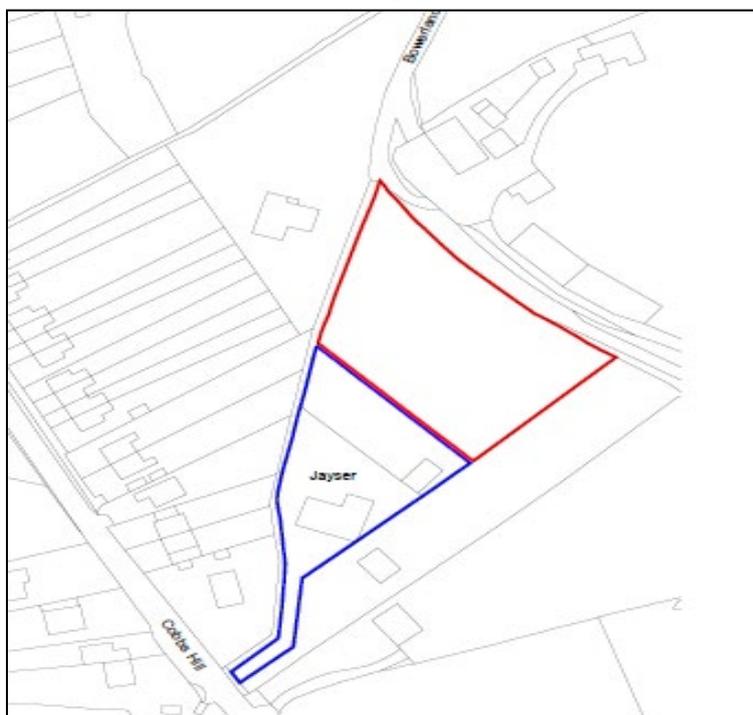


Figure 1: Site Location Plan

Proposal

8. This is a reserved matters application for the approval of details of the layout, scale, landscaping and appearance as set out by condition 1 and 9 on outline planning permission 18/01569/AS for the erection of two dwellings with all matters reserved other than the means of access to the site. . Condition 9 of this permission requires that adequate land is reserved for car parking spaces, in accordance with Policy TRA3a of the Ashford Local Plan 2030. It also requires that secure covered parking facilities in accordance with policy TRA6 of the Ashford Local Plan 2030 are provided. Condition 1 is a standard condition relating to the submission of reserved matters.
9. A previous reserved matters (RM) application (Reference 19/01342/AS) was refused on the grounds of its scale and appearance. This proposal has a 30% smaller footprint than the refused RM scheme. It is also lower in height – the upper floor accommodation being entirely in the roof space (see relevant section below).
10. The units would be mirror images of each other. They would have similar rectangular floorplan and pitched roof, incorporating dormer windows, three on both the front and rear roof slopes. The dwellings would have a maximum ridge height of 7.5m and eaves height of 2.3m. The accommodation would be arranged over two floors with the first floor accommodation – providing four bedrooms - entirely within the roofspace.
11. A two space car port (one space for each unit) would be provided between the units with additional parking provided in tandem to the front of these spaces and also a further two side-by-side spaces to the front of the development. Each unit would have a 4 cycle bike shed within its rear garden.
12. Materials – Plot 1 would be primarily brick with contrasting detailing and plot 2 would be primarily render with contrasting brick and render detailing. Both units would have clay plain roof tiles.
13. A Plan of the proposed layout is shown in Figure 2 below. It shows the tracking for a refuse vehicle to allow it to turn on site.

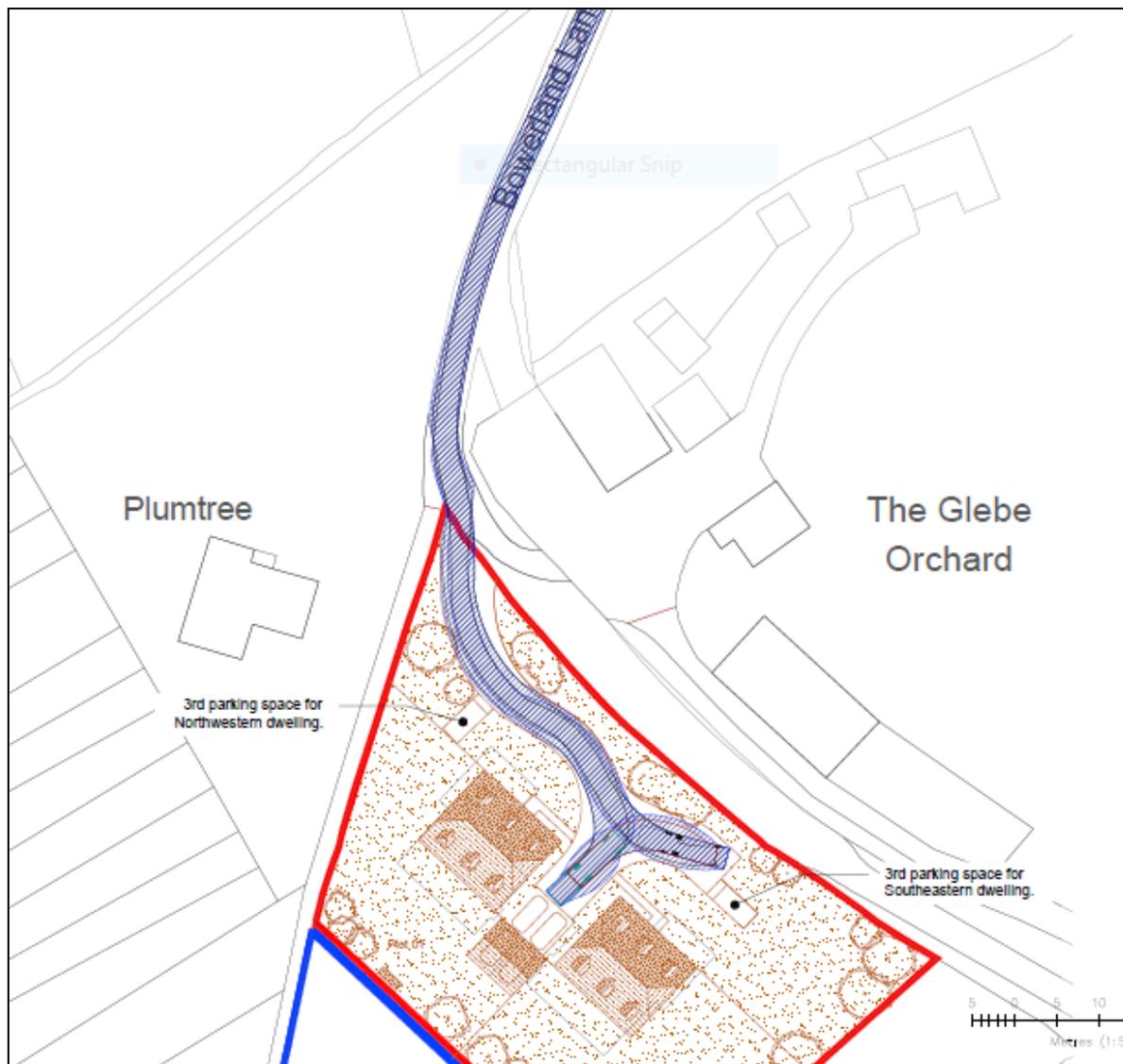


Figure 2: Proposed layout

14. The proposed elevations are shown in Figure 3 (the dotted line denotes the previous RM proposal that was refused). Figure 4 below shows the refused elevations and floor plans – 19/01342/AS.

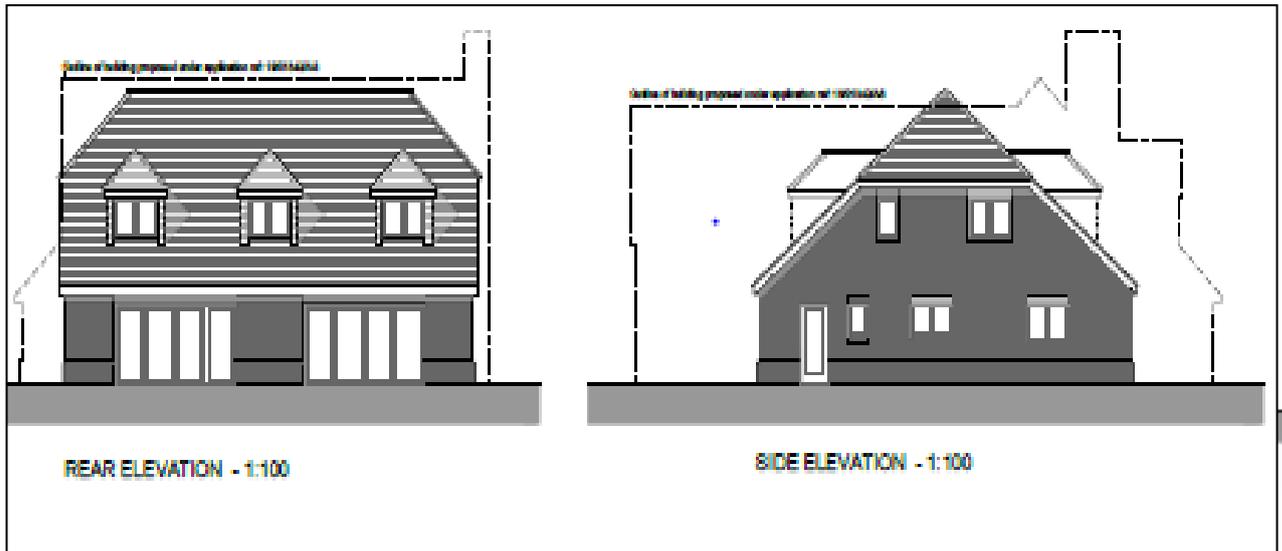


Figure 3: Proposed elevations



Figure 4 – Refused elevations and floor plans – 19/01342/AS

Planning History

18/01569/AS - Outline application for the construction of two detached dwellings with associated access. APPROVED 10/4/19.

19/01342/AS - Reserved matters application for the approval of details of the layout, scale, landscaping and appearance as set out by condition 1 and 9 on planning application 18/01569/AS. REFUSED – 06/12/19

Consultations

Ward Member: The ward member, has raised concerns relating to the timing of the approval of the outline scheme. Whilst acknowledging that the principle of development has been accepted through the grant out outline planning permission, he has highlighted that this decision took place in April 2019 at the same time as the village confines maps were adopted by the Council. He points out that this site lies outside the boundary shown on the Old Wives Lees settlement boundary plan. He is concerned about the precedent set if this application is approved in terms of the potential for further development outside of the settlement boundary.

On this basis he has asked for the application to be called in to the planning committee for decision.

(DMM Comment: At the time the outline planning permission was granted the site was considered to lie within the built confines of Old Wives lees as defined in policy HOU3a of the adopted Ashford Local Plan 2030. This definition states:

“The limits of continuous and contiguous development forming the existing built up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g. garden areas)”

The village confines maps essentially represent a visual representation of the built confines of each settlement based on the above definition and do not form part of the adopted development plan. Although the site is now deemed outside of the village confines based on the confines map, it was not at the time that outline planning permission was granted. This is an extant permission.

Parish Council – No comment.

KCC Biodiversity – No objections are raised

KCC Public Rights of Way (PROW) – No objection.

KCC Highways and Transportation – No objections

Neighbours - A total of 35 neighbours were consulted; 12 representations have been received, 5 in support of the application and 7 raising objections.

A number of objections have been received which concern the principle of development or relate to access, which was considered at the outline stage. These have already been assessed under the outline application and therefore fall outside the scope of this RM application. I have nevertheless outlined them below:

- The site falls outside the built-up confines of the village and is therefore not suitable for development. The village confines map for Old Wives Lees has been submitted by one objector to highlight this point.
- The site is the unsuitable for development as it is located at the end of a narrow, unlit track with restricted visibility and access and no footway for pedestrians. The development would have an adverse impact on the track and its verges.
- Incorrect procedure was followed at the outline stage; the wrong assessment was made against Policy HOU3a and the decision is therefore unsound. One objector suggests that the decision should be revoked but acknowledges that this would be unfair on the applicant.
- Concern that the refuse turning area will not be secured.
- Concern about the impact of construction on residential amenity and the need for strict operational hours for construction.

(DMM Comment: Condition 8 on the outline permission restricts working hours from 8am – 6pm Monday to Friday; 8am - 1pm on Saturday and no construction on Sunday or Bank holidays.)

The objections relevant to this application are as follows:

- It is pointed out that when considering this application, officers need to be mindful of the impact of decisions on the wider community and landscape, including the rural character of this part of Old Wives Lees.
- Concern about the size of the properties and the disproportionate amount of accommodation within the roof space.
- Impact of this scale of development on the wider community in terms of residential amenity.
- Impact of this scale of development on the landscape.

- Concern that the properties are not in keeping with Plum Trees, which is a single storey bungalow. The units should be of a similar style /materials to Plum Trees to allow them to blend into their rural setting.

The letters in support of the application raise issues of principle and access also and therefore fall outside the scope of this application. I have nevertheless identified these below:

- The proposal will allow two generations of the same family to stay in the village.
- The development brings benefits in terms of on-site turning for refuse vehicles and resurfacing of the lane.

The following points have been made in support of this proposal:

- The scale, appearance and materials are in keeping with the location.
- Good quality of architecture.

Planning Policy

15. 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).
16. 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).
17. The relevant policies from the Local Plan relating to this application are as follows:-
 - SP6 – Promoting high quality design
 - HOU3a – Residential windfall development within settlements
 - HOU10 - Development of residential gardens
 - HOU12 – Residential space standards internal

HOU15 – Private external open space

TRA3a – Parking standards for residential development

TRA6 – Provision for cycling

ENV3a - Landscape character and design

ENV 4 – Light Pollution & Promoting Dark Skies

ENV 9 – Sustainable Drainage

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

Supplementary Planning Guidance/Documents

Sustainable drainage

Residential Parking

Residential space & layout (External space standards)

Landscape Character Assessment

Dark Skies SPD

Village Design Statements

Chilham Village Design Statement

Government Advice

National Planning Policy Framework (NPPF) 2019

19. 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).

National Planning Policy Guidance (NPPG)

20. Technical housing standards – nationally described space standards

Assessment

Background

21. Planning permission was refused for a RM application (Reference: 19/01342/AS) for the approval of details of the layout, scale, landscaping and appearance as set out by condition 1 and 9 of planning permission 18/01569/AS on the following grounds:

“The proposed development would be of a scale, mass, bulk and siting that goes against the established grain set by Plum Trees, a smaller scale, single storey, property with simple roof form. The development would appear cramped and an overdevelopment of the site. With its bulky and complicated roof form with numerous large dormers and integrated double car port, it would result in a suburban form of development that would appear visually prominent and incongruous in its context. This would result in demonstrable harm to the character and appearance of this edge of village site and result in a poor transition to the countryside beyond. The proposal in turn would be harmful to visual amenity and detract from the appearance of the countryside. The benefits associated with the development would not outweigh the harm.”

22. The assessment below examines whether these issues have been adequately addressed.

Principle of development

23. The principle of development has already been established by the outline planning permission. This cannot now be revisited. The application for consideration relates solely to the details that are being requested to be considered i.e. the reserved matters.

Visual Impact and Amenity

24. Policy ENV3a requires development in the rural areas to be designed in such a way which protects and enhances the particular landscape character area within which it is located.
25. Policy HOU3a requires infill development to meet a number of requirements which includes that it is of a layout, design and appearance that is appropriate to and compatible with the character and density of the surrounding area.
26. Policy HOU10 is supportive of development proposals involving the complete or partial redevelopment of residential garden land providing a number of criteria are met. These include that the proposals accord with external space standards (Policy HOU15) and that they do not result in significant harm to the character of the area, including the need to respect surrounding grain and built pattern of development; scale and form of surrounding buildings and wider landscape/countryside setting.

27. The applicants demonstrated as part of their outline application that a low density development of two dwellings could be accommodated on the site whilst according with external space standards and without resulting in significant harm to the character of the area. Given the openness of the site in views from the north and the surrounding character of built development set by Plum Trees –low density; single storey – a condition was placed on the outline permission requiring the development to be single storey in form with any first floor accommodation contained entirely within in the roof space.
28. The details submitted as part of this application meet the requirements of this condition with the first floor accommodation provided entirely within the roofspace. The low height of the buildings, combined with the maintenance of and additional native planting to boundaries (see later section of this report) would help reduce the visual impact of the development on this edge of village site avoiding the introduction of unnecessary fencing and conserving the rural setting of the Kent Downs AONB in accordance with the LCA guidelines.
29. The dwellings would be a mirror image of each other. They would have a simple rectangular floor plan and pitched roof with three dormers to both front and rear roof-slope to serve the living accommodation within the roofspace (see section above headed Proposal). Whilst these are still 4-bed units, they are small 4-bed units and the form and scale of development would not be out of keeping in this context. In terms of the materials, the agent has indicated that whilst both units would have clay tiles to the roof (this is supported) they would differ in terms of their facing materials; one mostly brick and the other mostly render. Due to the single storey design of the buildings, I am satisfied that this approach is acceptable.
30. I am satisfied that the details submitted with respect to layout, scale and appearance are acceptable and that the proposed development is acceptable in terms of its visual impact and amenity. I therefore consider that the proposed development has addressed the reason for refusal as set out in the previous RM application.

Residential Amenity

31. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
32. The proposed dwellings would be situated some 27m from the closest residential dwelling, known as Plum Trees. I do not consider that it would be significantly overbearing or give rise to problems of overlooking. As such,

there would be no adverse impact upon the neighbouring residents by reason of form, outlook, loss of light/overshadowing or any impacts upon privacy.

33. The proposed development would meet nationally Described Space Standards for internal space whilst providing external amenity space in accordance with the Council's Residential Space Standards. As such, the proposed development would provide a satisfactory level of accommodation for future residents. The proposal satisfies policies HOU12 & HOU15 of the adopted local plan.
34. I am satisfied that the proposed development is acceptable in terms of its residential amenity.

Parking and Refuse Collection

35. Policy TRA3a sets out parking standards for residential development. Policy TRA6 concerns provision for cycling.
36. The proposal would utilise an existing access off the track to the north of the site, which serves the rear garden of Jaysers and provides adequate visibility. This was agreed as part of the outline application. Also agreed at outline stage was that turning for refuse vehicles would be provided on site to facilitate waste collection from the site itself. The plan below shows the approved refuse swept analysis.

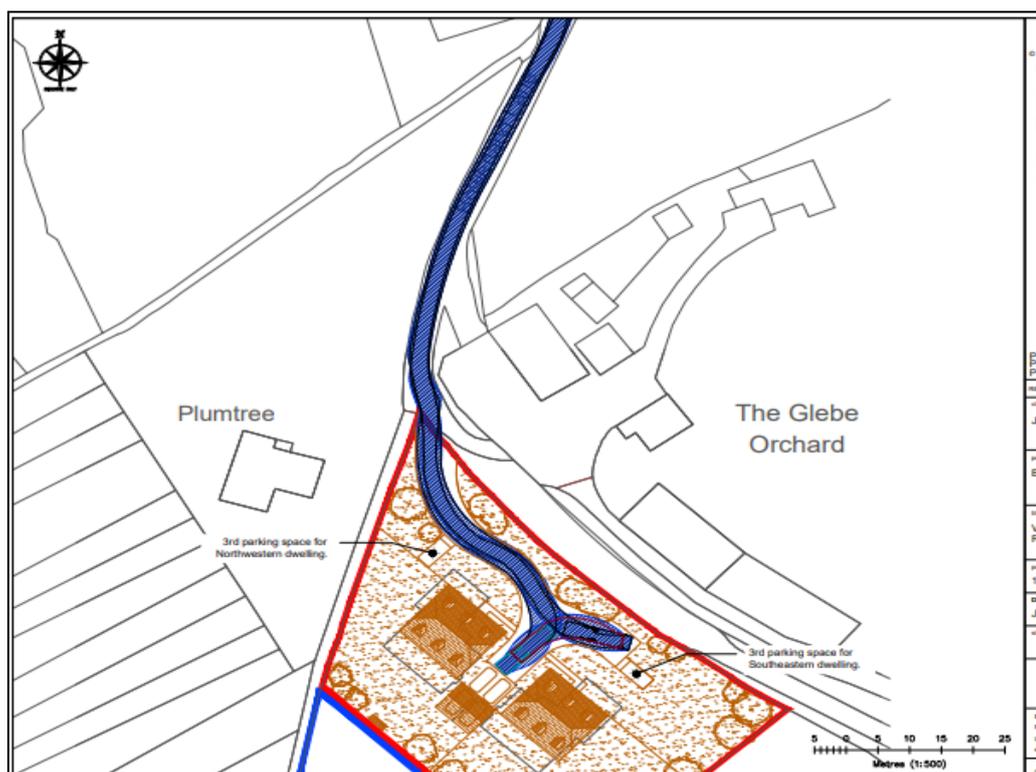


Figure 5: Refuse swept path (approved under outline permission)

37. The proposed layout shows this refuse turning area in accordance with the outline permission. The council's refuse department raised no objections.
38. The proposal provides a minimum of three on-site parking spaces for each property in accordance with Policy TRA3a and cycle storage within the rear garden of each property in accordance with Policy TRA6.
39. I am satisfied that details of the layout are acceptable in this respect and that Condition 9 of the outline permission can be discharged.

Landscaping

40. The site is garden land with well-defined hedgerow boundaries to both public rights of way from which there are clear views into the site. The landscaping proposals preserve the existing boundary vegetation. Along the western boundary of the site with the PROW the existing planting is supplemented with additional native hedge planting to reinforce this boundary.
41. I am satisfied that the landscaping details submitted are acceptable.

Human Rights Issues

42. 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

43. 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

44. This is a reserved matters application where the principle of development and access were agreed at the outline stage under application 18/01569/AS and cannot be revisited as part of this reserved matters application.

45. I am satisfied that the details submitted are acceptable in terms of their visual impact and that they would provide an acceptable level of amenity to existing and proposed residents. I am satisfied also that the proposal would provide adequate parking and turning on site, including turning for refuse vehicles in accordance with the outline permission. Finally, I am satisfied that the landscaping proposals are satisfactory.
46. I therefore conclude that the details of layout, scale, appearance and landscaping provided by this application are acceptable and address the reason for refusal of the previous RM application that was refused by the council.

Recommendation

Approve details

Subject to the following Conditions and Notes:

1. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

Notes

This approval discharges condition 9 attached to outline planning permission reference 18/01569/AS insofar as details of the proposed development are required to be submitted to and approved by the Local Planning Authority. Any variation to the approved details will, however, need to be submitted for further approval before the relevant work is carried out.

The applicant is reminded of the outstanding requirement for details to be submitted and approved under condition 5 (Detailed design of upgrade of track); 7 (CMP); 11 (Biodiversity enhancement); 12 (External lighting); 13 (Drainage); 14 (Foul water) and 17 (Boundary treatment) of outline planning permission reference 18/01569/AS, as well as the continuing obligations imposed by some conditions as the development progresses and is completed.

(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the

planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

Note to Applicant

1. Working with the Applicant

Working with the Applicant

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 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 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 //AS)

Contact Officer: Katy Magnall
Email: katy.magnall@ashford.gov.uk
Telephone: (01233) 330259

Annex 1

