

Application Number	20/00200/AS	
Location	Lantarna, The Pinnock, Pluckley	
Parish Council	Pluckley	
Ward	Upper Weald Ward	
Application Description	Variation of condition 5 of planning permission 19/00801/AS (Erection of a 2-storey detached dwelling (retrospective)) to retain existing Yew tree hedge behind dwarf wall along boundary with street and its future maintenance at a height of no lower than 1.5m	
Applicant	Mr D Sullivan	
Agent	Westleigh Design	
Site Area	0.05ha	
(a) 7/3R/1S	(b) PC - R	(c) -

Introduction

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

Site and Surroundings

2. The site is situated in Pluckley Thorne, a small hamlet to the south of Pluckley village. It is occupied by a single dwelling of a contemporary design with an irregular corner turning floor plan/design. Along the frontage of the property is a low grey painted rendered wall with the public street and behind this a Yew tree hedge. It is this hedge that forms the subject of this application.
3. A site location plan is shown in Figure 1 below:

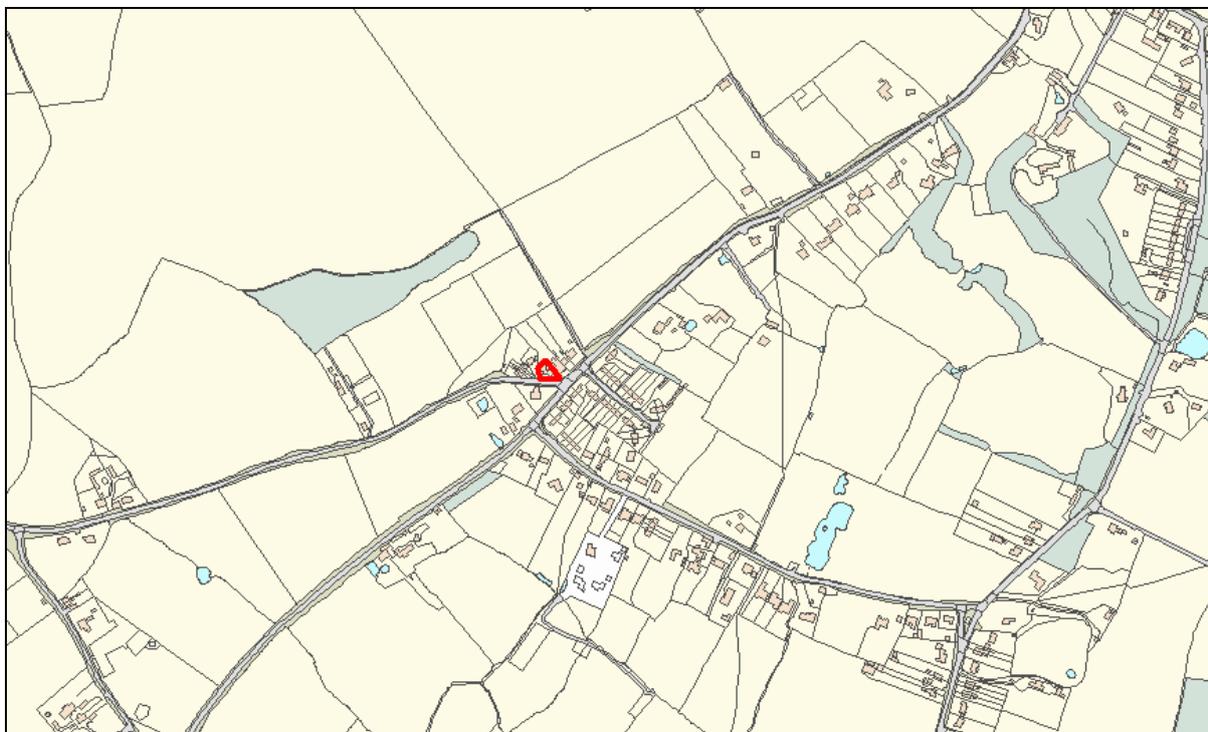


Figure 1: Site Location Plan

Proposal

4. This application is to vary condition 5 of application reference 19/00801/AS (Erection of a 2-storey detached dwelling (retrospective) to retain the existing Yew tree hedge behind dwarf wall along boundary with street and its future maintenance at a height of no lower than 1.5m)

5. Condition 5:

“ A 1.5 m high native hedge shall be planted behind the dwarf wall along the boundary with the street in the next planting season following the date of this decision. It shall be maintained at no lower than 1.5m. 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.*

6. The following information is in support of the application:

The justification for our application is that the existing hedge which was planted over a year ago has already reached a height of 1m. The RHS website states that English Yew would be expected to grow a minimum of 300mm per annum and would soon reach the height required by the condition.

The Council's justification for the condition being to protect and enhance the amenity of the area. However, investigation has shown that the hedge on the neighbouring property (Thore Cottage) is only maintained at 1.15m and consequently we feel that the Council's condition to remove and replant the hedge is both excessive and unreasonable. It is our submission that the existing hedge already reflects the character of the area and will some date reach the height of the neighbouring hedge – see accompanying plan and photographic evidence. We would however confirm that the applicant would be prepared to maintain it in the future at a height of no lower than 1.5m

7. This application seeks to amend the wording of the condition to allow for the retention of the existing Yew tree hedge and maintain it at a height no lower than 1.5m.
8. Figure 2 below shows the location of the hedge (at B) – approximately 1m in height - and also, by way of comparison, an adjoining hedge a bit further along the street (at A), which is 1.1m in height. Figure 3 is a photograph of the hedge as it is today.

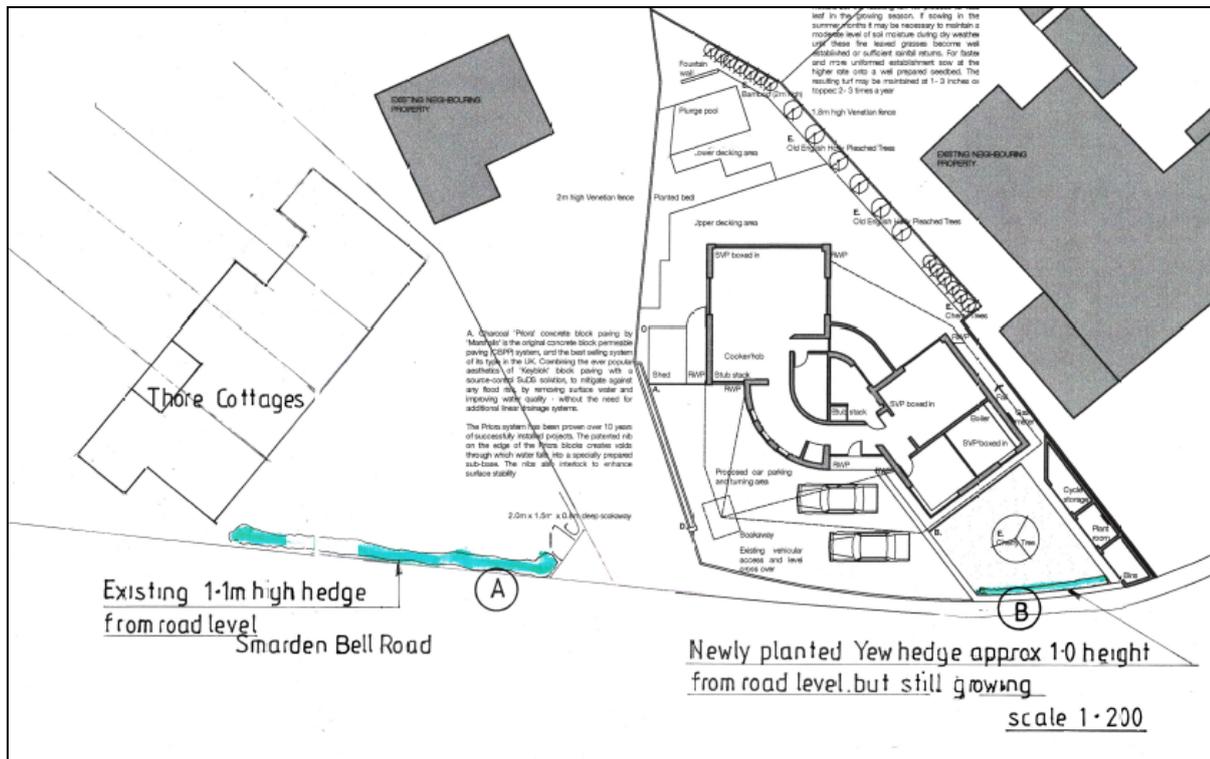


Figure 2: Location of hedge (at B)



Figure 3 Hedge as it appears today.
Planning History

14/00959/AS - Erection of detached 4-bed dwelling APPROVED 24/9/14

15/01008/AS - Erection of detached two storey dwelling APPROVED 24/9/15

16/00529/AS - Variation of condition 3 on planning approval 15/01008/AS to revise the approved plans to reduce the footprint and re orientate the rear wing
APPROVED 3/6/16

19/00801/AS – Erection of a two-storey detached dwelling (retrospective)
APPROVED 17/9/19

Consultations

Ward Member: The ward member fully supports the objections made by the Parish Council and has asked that the application be reported to the Planning Committee.

Parish Council – Objects to this proposal. It is considered this is the latest attempt to avoid Conditions imposed. Both the Local and Neighbourhood Plan require that new homes are "of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area". This dwelling fails on all counts. The Condition of a hedge of at least 1.5m height is to have a quantum of greenery that softens this adverse impact. The bushes the applicant has installed, of notoriously slow-growing yew, are only 0.6m high. Indeed, only 0.4m is visible due the wall in front of it. This is wholly inadequate. Many of the plants look as though they are dying and it would be several years before the required height is met.

(DMM Comment: The wall is 510mm high at one end and 290mm high.at the other. The applicant has confirmed that the Yew tree hedge is approximately 1m in height. As can be seen from the recent photo above it extends well above the wall at all points.)

Neighbours

A total of 7 neighbours were consulted; 4 representations have been received, 3 raising objections and 1 in support.

The objections are as follows:

- The design of the property is widely disliked locally and the loss of the original 2m hedge is considered a huge loss as it would have better screened the property and reduced its visual impact;
- The replacement hedge is wholly inadequate at providing sufficient screening to lessen the visual impact of the house. It fails to provide any softening of the frontage. The condition is a minimal requirement and should be enforced;
- The existing hedge will not survive as it is planted too close to the dwarf wall with inadequate space;

- The applicant is failing to deliver on the negotiated condition agreed under 19/00801/AS to help mitigate for the impact of the development.

The letter of support maintains that the objections 'are petty' (although it is noted that this letter is not from a local resident).

Planning Policy

9. 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).
10. 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).
11. The relevant policies from the Local Plan relating to this application are as follows:-

Ashford Local Plan 2030:

ENV3a - Landscape character and design

Pluckley Neighbourhood Plan:

R1 – Landscape character and design

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment

Village Design Statements

Pluckley Village Design Statement

Government Advice

National Planning Policy Framework (NPPF) 2019

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
National Planning Policy Guidance (NPPG)

Assessment

Background

13. Planning permission for a detached 4 bed dwelling was approved in September 2014 for a building with a traditional elevational treatment (14/00959/AS). A year later, planning permission was approved for a detached dwelling with a contemporary design (15/01008/AS). The planning conditions in respect of this permission were discharged in September 2015 under 15/01008/CONA/AS. These included approval of a landscaping strategy which showed a 650mm Yew hedge long the frontage with the street.
14. A new planning application was submitted for an amended scheme in 2016 (16/00529/AS) of a similar contemporary design. This was approved subject to the same conditions. The property was built as per the amended scheme but without discharging any of the conditions.
15. In May 2019 a retrospective application was submitted to discharge the conditions but with the three year deadline before the planning permission was due to expire this could not be achieved within time. On the advice of officers the applicant withdrew the application to discharge conditions and made a new retrospective planning application for the dwelling.
16. A retrospective application (19/00801/AS) was subsequently submitted. The application was approved in September 2019 subject to the aforementioned condition 5 (see above). This sought to provide more robust planting with the street by replacing the Yew Tree hedge with more mature specimens (1.5m in height). A condition on this permission also required the dwarf wall to be painted grey – a more recessive colour that would also be more appropriate adjacent to a main road.
17. This variation of condition application seeks to amend the wording of condition 5 to allow for the retention of the Yew Tree hedge and to maintain it at no lower than 1.5m rather than replace it.

Principle of development

18. The principle of development has already been established by the extant permissions on this site.

The Hedge

19. 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.
20. The existing English Yew tree hedge is considered to be an appropriate boundary treatment in this part of rural Kent. Whilst it is still low in height (approximately 1m), and does not provide the degree of screening of the property from the street that a number of residents would like, a Tree Report submitted with the application has shown it to be generally in good health and establishing well. According to the report, two saplings have died due to mechanical (not environmental) damage and the intention is to replace these with saplings of a similar size. The report indicates that by leaving the vertical leaders unpruned the hedge can be expected to reach a height of 1.5m in a reasonable time (12-18 months approximately).
21. The Council's Tree Officer has confirmed that Yew grows at about 400mm per year and would provide a good screen going forward that is appropriate in this rural context.
22. Whilst I appreciate residents' concerns about the overall loss of vegetation on this boundary and their desire for replacement planting with a similar impact, I am satisfied that the proposed hedge would, within the next 12-18 months provide a robust boundary treatment with the street that is in keeping in this rural setting and compliant with condition 5 of the planning permission.
23. I therefore consider that this proposal to amend the wording of the condition to retain the existing Yew tree hedge and to maintain it at no lower than 1.5m is an acceptable change. Indeed to remove this hedge at this stage and height of growth and replace it with larger specimens could be counterproductive. Plants tend to generate, grow and sustain themselves when planted at a young age and allowed to mature within their environment. To replace this hedge with a new (slightly taller) hedge could result in the new hedge struggling to establish itself, potentially failing and needing to be replaced. The section of hedge in question is relatively short in length, as can be seen in figure 2, and would soften rather than screen the development. As such allowing the existing hedge to mature naturally over the next year or so would seem a reasonable and sensible compromise, following which it would need to be retained and maintained at a minimum height of 1.5m

Residential amenity

24. 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.

25. This proposal would not impact upon residential amenity.

Other issues

26. This application only concerns changes to the wording of condition 5. No other changes are proposed.

Human Rights Issues

27. 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

28. 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

29. This application relates solely to the variation of the wording of condition 5 of application 19/00801/AS which requires the removal of the newly planted Yew tree hedge and its replacement with a 1.5 high native hedge. The rewording proposed would allow for the retention of the Yew tree hedge and its maintenance no lower than 1.5m.
30. I am satisfied that the existing Yew hedge would provide an appropriate boundary treatment going forward, and in a reasonable period of time, and may well be the most sustainable option in the medium to long term going forward to soften the development. The length of hedge is relatively short and not intended to screen the development. I therefore conclude that the wording of the condition can be amended in a satisfactory manner to reflect this.

31. Should members grant planning permission this would result in the issuing of a brand new planning permission that sits beside the existing permission. For this reason all relevant conditions from application 19/00801/AS need to be reimposed.

Recommendation

PERMIT

Subject to the following Conditions and Notes:

(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).

1 The development shall be carried out in accordance with the plans listed in the planning approval reference 19/00801/AS under the section of this decision notice headed Plans/Documents Approved by this decision.

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.

2 The drainage works shall be maintained in accordance with the details approved under application reference 19/00801/AS.

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.

3 The vehicle and cycle parking provided in accordance with Drawing No. PC11 of decision 19/00801/AS shall be retained for ancillary parking of motor vehicles and access to the facility shall not be precluded.

Reason: Development without provision of adequate accommodation for the parking of vehicles and cycles is likely to lead to parking inconvenient to other road users.

4 The electric vehicle charging point shall be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

5 The existing Yew tree hedge shall be maintained at a height no lower than 1.5m (within 24 months of the date of this decision). 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.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-E of Part 1 and Class A of Part 2 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.

7 The rendered dwarf wall along the road frontage shall be maintained in a dark grey colour in perpetuity.

Reason: In the interest of visual amenity.

8 The bound surface shall be permanently maintained for the first 5m of the access from the edge of the highway.

Reason: To ensure that no gravel or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety.

9 The cycle and bin stores shall be retained and kept available for such uses for the duration of this development.

Reason: To promote sustainable transport and in the interests of visual amenity.

10 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.

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 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.

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 20/00200/AS)

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Annex 1

