

<b>Application Number</b>	20/00194/AS
<b>Location</b>	Copperfield, Kingsford Street, Mersham, Ashford, Kent, TN25 6PF
<b>Grid Reference</b>	604464.896, 140942.545
<b>Parish Council</b>	Mersham
<b>Ward</b>	Mersham, Sevington South with Finbury
<b>Application Description</b>	Proposed new 4 bedroom detached dwelling house within the site of Copperfield with new vehicle access driveway and drainage. New double garage for Copperfield.
<b>Applicant</b>	Mr and Mrs I Ahmed, Copperfield, Kingsford Street, Mersham, Ashford, Kent, TN25 6PF
<b>Agent</b>	Arch-Tech UK Ltd, 43 Haywain Close, Kingsnorth, Ashford, Kent, TN23 3QL
<b>Site Area</b>	0.49ha
(a) 4/2R	(b) Parish Council (c) KCCARCH + R

## Introduction

1. This application is reported to the Planning Committee because of an ABC employee objection.

## Site and Surroundings

2. Rural site comprised of an existing four bedroom detached dwelling known as Copperfield and a detached double garage set in a large garden and a parking area to the front of the dwelling adjacent to the access from Kingsford Street.
3. The site is to the south east of Ashford and north-west of Mersham. There is a small ribbon of residential development to the southern side along Kingsford Street with the M20 motorways and junction 10a to the north with countryside beyond to the south and east before linking to the village of Mersham.
4. The site is located in the countryside within the Mersham Farmland Landscape Character Area.
5. The site is within an area of known archaeological potential.

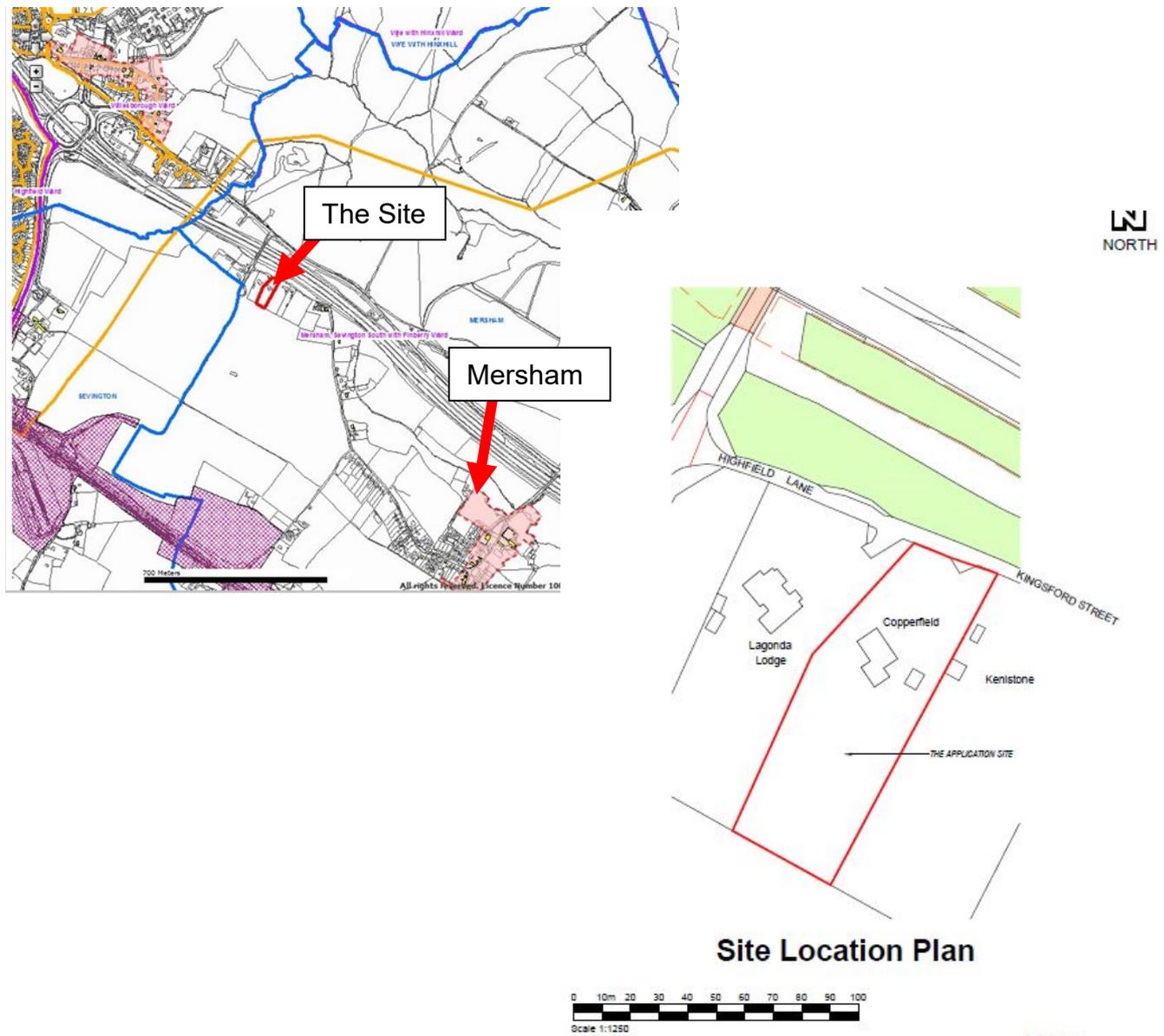


Figure 1 - Site location



Figure 2 Existing house (Copperfield) and garage looking south



**Figure 3 - looking north from within the site (Copperfield LHS)**



**Figure 2 Looking north-east within the site with Copperfield LHS and the site RHS**



**Figures 4 & 5 Access onto Kingsford Street with new M20 junction 10a cycle/footway**



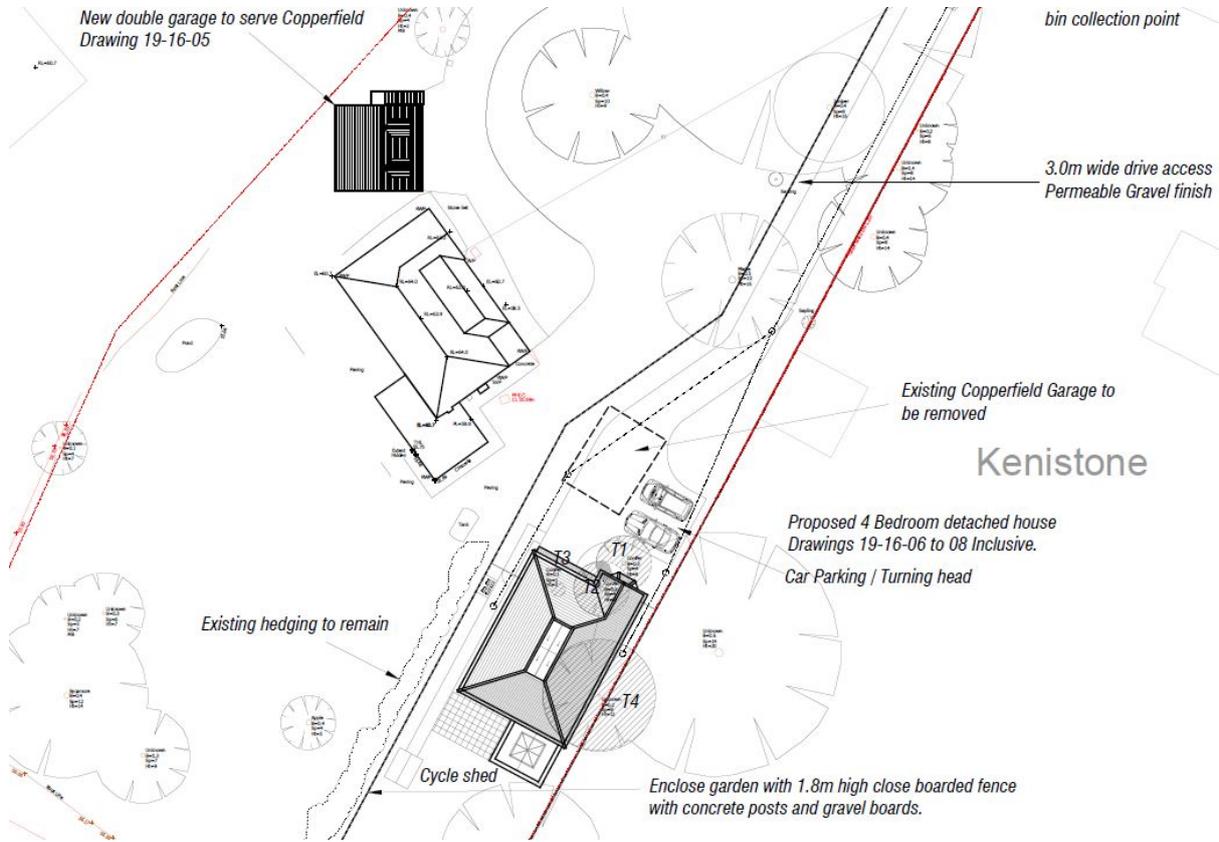


Figure 5 - block plan

## Proposal

6. Full planning permission is sought for the erection of a detached two storey four bedroom house, a detached two bay garage with a room in the roof (to provide an additional bedroom and shower room) and an access drive off Kingsford Street.



Figure 6 - Front (North) Elevation

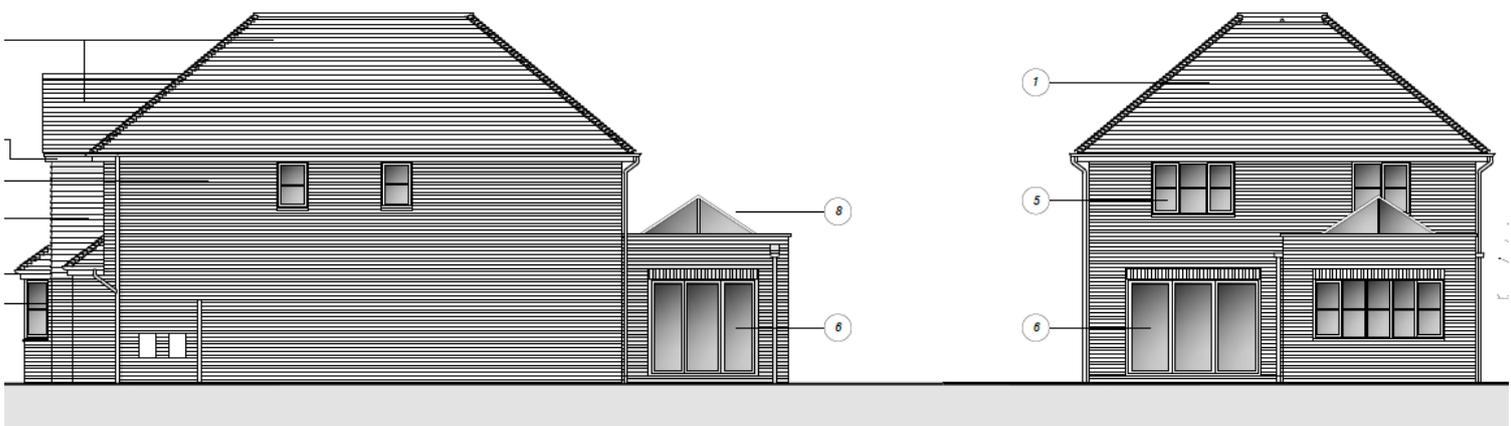


Figure 7 - Side (East) Elevation & Rear (South) Elevation



Figure 8 - Floor plans



Figure 8 - Replacement detached garage

## Planning History

7. None relevant.

## Consultations

**Mersham Parish Council:** They do not support the application and make the following comments:

*“The site is significantly outside the adopted village confines so policy HOU3a is not applicable and is also not adjacent to the confines so Policy HOU5 does not apply either. The application is in a ribbon development of spacious houses. It is important to the Parish Council that there is no deterioration to the amenity of neighbouring properties having been subjected to the works on J10A and losing the privacy from the gardens following these works.”*

**4 Neighbours consulted:** 2 objections received raising the following concerns:

- Proposed development an eyesore.
- Not within keeping of the rural area and existing properties.
- The existing houses sit within spacious gardens.
- Not clear if proposal is in line with development policies
- Any increase in housing will set a precedent for more planning applications in the area where there has already been major works that have caused a huge disruption due to building works for the last 2 years.
- Any further disruption would be unacceptable.
- Proposed dwelling directly adjacent to neighbour's boundary and diminish privacy.
- Would be clearly visible from living space and garden.

**KCC Archaeology consulted:**

- The site lies within an area of high potential associated with Anglo Saxon burials.
- During the recent M20 works, a significant number of artefacts have been found in the fields to the south.
- Due to this potential, a condition is recommended for an archaeological field evaluation and further archaeological investigation to ensure that features of archaeological interest are properly examined and recorded.

## **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) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

**SP1 – Strategic Objectives**

**SP6 – Promoting High Quality Design**

**SP2 – The Strategic Approach to Housing Delivery**

**HOU5 – Residential Windfall Development in the Countryside**

**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**

**ENV1 – Biodiversity**

**ENV3a – Landscape Character and Design**

**ENV4 – Light Pollution and Promoting Dark Skies**

**ENV5 - Protecting Important Rural Features**

**ENV9 – Sustainable Drainage**

**ENV15 - Archaeology**

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

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

SPG9 – Domestic Garage and Outbuildings in Urban and Rural Areas

Residential Parking SPD

Landscape Character SPD

Dark Skies SPD

Sustainable drainage SPD

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

11. 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:-

### **Assessment**

12. The key issues to consider are as follows:

- Principle;
- Visual amenity;
- Residential amenity;
- Highways safety & Parking
- Ecology & Trees
- Surface Water Drainage
- Archaeology
- Stour Catchment Area

### **Principle**

13. Policy HOU10 of the Local Plan supports the redevelopment of garden land provided that it complies with the Council's external space standards, and policies HOU3a or HOU5 (as relevant). Development should also not result in significant harm to the character of the area including the surrounding grain and built pattern of development, the prevailing density, line, frontage, width, building distance from the road, existing plot sizes and visual separation between buildings, and does not result in harm to wildlife corridors and

biodiversity habitats. The impacts of the proposal in this regard will be further examined below.

14. Policy HOU5, relates to Residential Windfall Development in the Countryside. The first part of HOU5 provides that proposals adjoining or close to a number of settlements will be acceptable subject to a range of criteria. The site is located approximately 1500m to the north west of the village of Mersham, which is one of the settlements listed.
15. Whilst there is a newly constructed and continuous footway/cycleway as part of the M20 junction 10a works, which crosses the motorway and provides pedestrian/cycle access to services and public transport, it is at a distance of approximately 1600m.
16. Paragraph 6.58 of policy HOU5 refers to 800m as being generally accepted as easy walking distance in order to be considered sustainable. The site is therefore considerably in excess of this distance from services and is not accessible on foot given the distance and absence of any footway along Kingsford Street.
18. It is therefore considered that the site is unable to provide sustainable access to services. Future occupants would likely be wholly and totally reliant upon private vehicle use in order to meet even their basic day-to-day needs for shops, services, schools and employment.
19. The proposed development therefore falls to be considered under the second part of HOU5 which says that residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following:-
  1. Essential need for rural worker
  2. Use of a heritage asset
  3. Re-use of a building
  4. Dwelling of exceptional design/quality
  5. Replacement dwelling
20. The submitted scheme fails to meet this criteria and so would not represent compliant development under the second part of HOU5.

The NPPF encourages a presumption in favour of sustainable development. Although the application site is not isolated, for the reasons detailed above, it is considered to be unsustainably located in terms of access and distance to local facilities and services.

21. In principle the development is not acceptable against policy HOU5 and the guidance contained within the NPPF.

### **Visual Amenity**

22. The site forms part of the large garden of the dwelling known as Copperfield. There are neighbouring dwellings on either side, also set within large plots.
23. The plans show a two storey dwelling positioned set back from the road by approximately 60m, which would be behind the general building line of the main dwelling and neighbouring dwellings.
24. The existing detached garage is proposed to be demolished to make way for a new access to serve the dwelling.
25. Policy HOU5 requires good design, indicating that development proposals should be of a high quality design, should sit sympathetically in the wider landscape, preserve or enhance the setting of the nearest settlement, include an appropriately sized and designed landscape buffer to the open countryside and consistent with local character and built form including scale, bulk and materials used.
26. This policy is consistent with the NPPF, which states that the planning system should protect and enhance valued landscapes. The NPPF also seeks to ensure that new development responds positively to its context.
27. The location of the new dwelling and garage, in the rear garden of the existing house, would fail to respect the surrounding pattern and grain of built form. It would represent tandem development that would appear incongruous compared with the existing front building line, and plot sizes. In addition, it would appear as a cramped form of development which causes harm to the existing visual separation and spatial standards within the locality.

### **Residential Amenity**

28. Given the size of the plot it is considered that the requirements of policy HOU15 would be achieved in respect of external amenity space.
29. Whilst it would be close to the boundary with Kenistone, due to the very large plot sizes and spacing between dwellings there would not be any overlooking of either the proposed dwelling or the neighbour in terms of external amenity space or the first floor windows.
30. As such it is considered there would not be any undue loss of privacy on the neighbouring dwelling.
31. The sufficient distances between dwellings would also not result in harm in terms of loss of outlook or an overbearing impact.

32. The internal accommodation would comply with the National Space Standards and policy HOU12.
33. The proposed garage has first floor dormer windows and an external stair to serve an office in the roof space. This would be adjacent to the north-west boundary shared with the neighbouring dwelling known as Lagonda Lodge. As the windows would face forward and the external access door would face within the application site, there are no amenity issues in terms of loss of privacy.

### **Highway Safety & Parking**

34. The plans show a new access off Kingsford Street to serve the dwelling.
35. Since the M20 junction 10a works, Kingsford Street has become a dead end just beyond the site to the north west. As such, a new access here would open out onto a quiet section of unclassified highway with only slow moving traffic gaining access to the dwellings in the vicinity.
36. It is therefore considered that a safe access can be achieved to serve the proposed dwelling.
37. It is also considered, as shown on the indicative layout, that it would be possible to provide sufficient off road parking and turning for a dwelling in accordance with the requirements of policy TRA3a and the guidance contained within the Council's adopted Residential Parking SPD.
38. The existing dwelling would retain ample parking and turning in addition to the provision of a new double garage. Bicycle storage is shown in a shed to the rear of the property in accordance with policy TRA6.

### **Ecology and Trees**

39. The site forms part of the existing garden serving Copperfield, so there is limited potential for any undue ecological impact.
40. A number of trees are identified on the plans to be removed to provide the new access to the development. Taken as impact value on the landscape, the loss of the trees, none of which are protected, will not diminish the setting. It would be possible to condition a replacement tree planting scheme as mitigation in addition to a tree protection plan for the remaining trees.
41. The proposal is therefore considered to be in accordance with policy ENV1.

### **Surface Water Drainage**

42. Whilst the site is not within any designated flood zones, the development would need to ensure compliance with policy ENV9 in respect of surface water drainage on the site. This can be secured by condition, which would seek to ensure that there is no increase in surface water run-off from the site.

### **Archaeology**

43. As the site lies within an area of high potential archaeology, appropriate conditions as recommended by KCC Archaeology could be imposed and the development therefore complies with the requirements of policy ENV15.

### **Stour Catchment Area**

44. Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh lakes, east of Canterbury.
45. This relates to an increased level of nitrates and phosphates within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
46. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, the undertaking of an Appropriate Assessment prior to any decision to grant planning permission.
47. The site falls within the 'Stour Upper' Operational Catchment. As such, the applicant is required to carry out a Habitats Regulations Assessment (HRA), which would inform an Appropriate Assessment (AA). The findings of the HRA, and the subsequent AA need to be referred to Natural England and there is a duty to consider their response.
48. No information has been provided in relation to this matter. In the absence of this information, the Local Planning Authority has no assurance there would be not be any harm to the nationally and internationally designated protected sites at Stodmarsh lakes. As such, an objection is raised in terms of potential environmental impact.

### **Human Rights Issues**

49. 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**

50. 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**

51. In conclusion, in light of the above assessment, the proposed scheme represents an unsustainable form of development and is therefore unacceptable in principle. It would fail to respect the surrounding pattern and grain of built form and would appear incongruous and cramped form of development which causes harm to the existing visual amenity.
52. In addition, no information has been provided to provide assurance there would be not be any harm to the nationally and internationally designated protected sites at Stodmarsh lakes. As such, an objection is raised in terms of potential environmental impact.

## **Recommendation**

### **Refuse**

#### **on the following grounds:**

The proposal is contrary to Policies SP1, SP2, SP6, HOU5, HOU10 and ENV1 of the Ashford Local Plan to 2030, Central Government guidance contained in the National Planning Policy Framework 2019 and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

1. The proposed dwelling which lies outside of the built confines of any identified town or village in the adopted Local Plan, with no overriding justification having been submitted, would give rise to an unnecessary and unsustainable isolated new home in the countryside, contrary to the core principles of the Local Plan and the NPPF which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside.

2. The proposal would fail to respect the surrounding pattern and grain of built form and would appear as an incongruous and cramped form of development which would cause harm to existing visual amenity.
3. No information has been provided to demonstrate that there would not be any harm to the nationally and internationally designated protected sites at Stodmarsh lakes.

## **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 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](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 20/00194/AS)

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