

Application Number	21/00907/AS
Location	The Pines, Smallhythe Road, Tenterden, Kent, TN30 7LN
Grid Reference	588420.2 / 132765.6
Parish Council	Tenterden
Ward	Rolvenden and Tenterden West
Application Description	Erection of two storey rear extension
Applicant	Masters, Canham Business Centre
Agent	Mr M Dennis, Fernham Homes Ltd
Site Area	0.14ha
(a) 8/10R	(b) Tenterden R (c) -

Introduction

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

Site and Surroundings

2. The application site is located off Smallhythe Road on settlement edge of Tenterden and contains The Pines, a detached chalet style dwelling which lies within a large plot, sylvan in both character and appearance. The dwelling is not listed and is not subject to any other landscape restriction. The site contains a number of mature trees which are subject to a Tree Preservation Order No 7 of 2014.

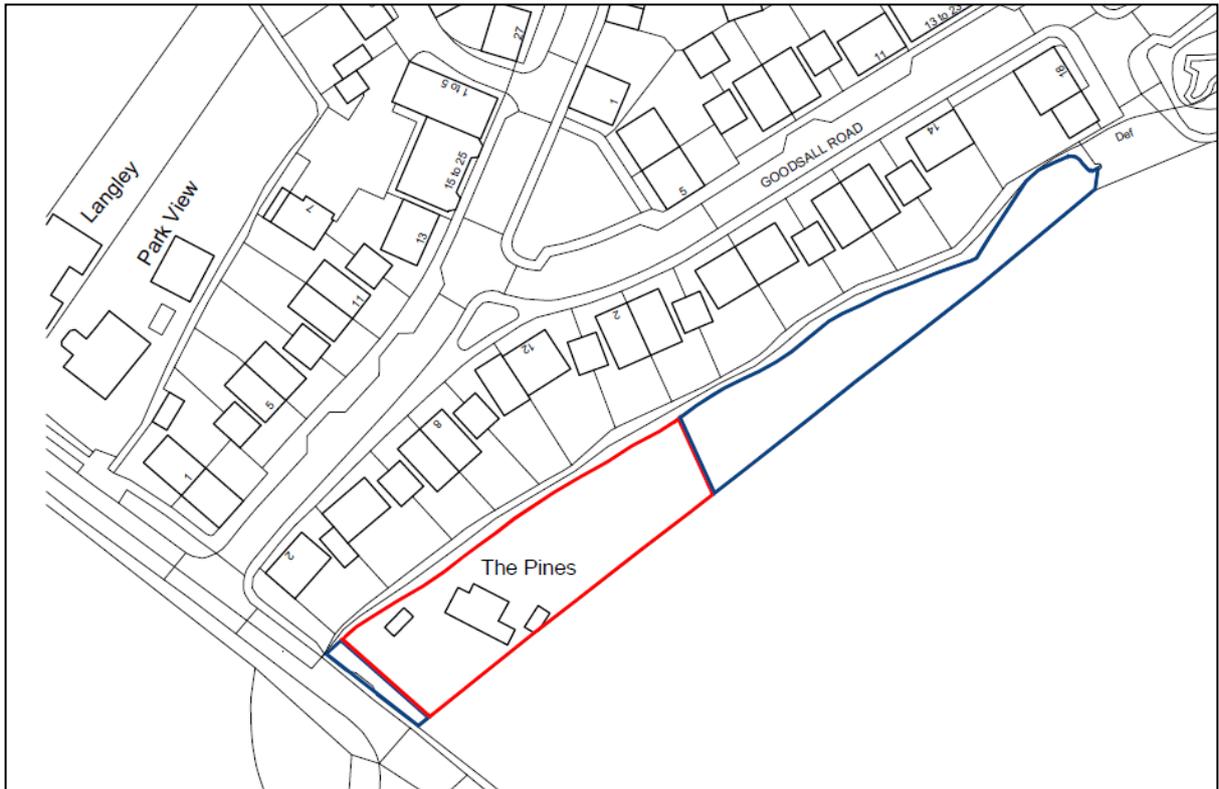


Figure 1: Site Location



Figure 2: Site and TPO Location

Proposal

3. Planning permission is sought to remove an existing lean to and erect of a two storey rear extension.

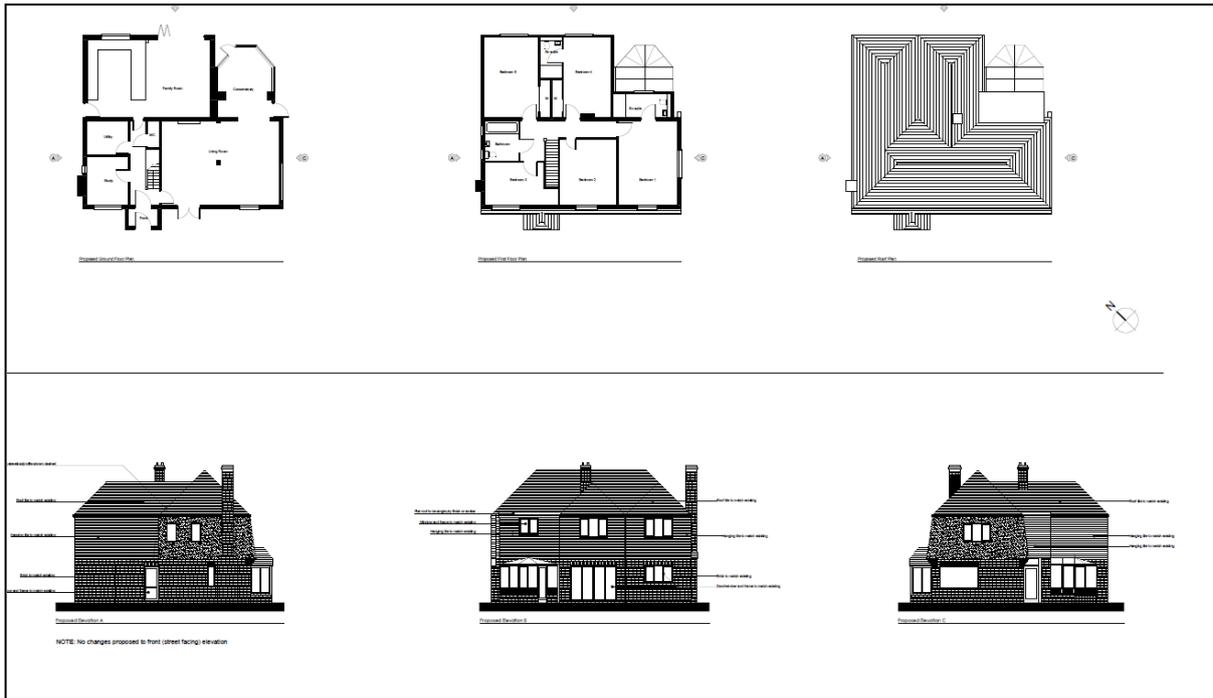


Figure 3: Proposed Plans and Elevations



Figure 4: Proposed Block Plan

Planning History

4. The following is relevant relating to the application;-

DC	FA	18/01594/AS	Demolition of existing dwelling and erection of 7 residential units, with associated access, parking, landscaping and drainage	WITHDRAWN	16/01/2019
DC	FA	19/00724/AS	Demolition of existing buildings, and erection of four residential dwellings, together with associated access, parking, landscaping and drainage.	REFUSED	04/10/2019

Consultations

Ward Members: The Ward Member for this site has requested that the application be determined by the Planning Committee. It should be noted that the site lies immediately adjoining the Ward Boundary where the adjoining Ward Member (Cllr Knowles) has made no comments on the application.

Tenterden Town Council: Object on the following grounds

- (i) ecological impact by removal of 11 trees including a T8 Oak Tree;
- (ii) breaches policies ENV1, ENV3a (paragraph 930), TEN NP4;
- (iii) breaches the RPA for the T8 Oak Tree;
- (iv) impact on neighbouring properties amenities including loss of light, overlooking of both gardens and neighbours windows

Neighbours: 8 consulted. **10** letters of objection received stating the following

- No assessment of the impact of the development on a veteran Oak Tree.
- Development will cause harm/loss to the tree.
- Extension will be overbearing and result in loss of light.
- Overlooking and loss of privacy will occur.
- Design of the two-storey extension is poorly thought through and against the principles of the Kent Design Guide.
- Potential pollution of the stream will occur.

Planning Policy

5. The Development Plan for Ashford Borough 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).

The relevant policies from the Development Plan relating to this application are as follows:-

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

HOU8 – Residential Windfall Development in the Countryside

TRA3a - Parking Standards for Residential Development

TRA6 - Provision for Cycling

ENV3a - Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Residential Parking and Design SPD 2010

Dark Skies SPD 2014

Fibre to the Premises SPD 2020

Emerging Neighbourhood Plan

6. Not yet part of the Development Plan but noteworthy in this particular case is the Tenterden Neighbourhood Plan that, although it has been out to consultation, is at an earliest 'Regulation 14' stage in the process.
7. The relevant policies from the emerging Tenterden Neighbourhood Plan relating to this application are as follows:-

TEN NP1 – Protection of Landscape Character

TEN NP4 – Design of New Development and Conservation

Government Advice

National Planning Policy Framework (NPPF) 2021

8. 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 NPPF. The NPPF states 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:-

Paragraph 11 – Presumption in favour of sustainable development.

Paragraph 47 – Determination in accordance with the development plan.

Paragraph 59-76 – Delivering a sufficient supply of homes.

Paragraphs 91-95 – Promoting healthy and safe communities.

Paragraphs 102-107 – Promoting sustainable transport.

Paragraphs 117-121 – Making effective use of land.

Paragraphs 124-132 – Achieving well-designed places.

Paragraphs 148-165 – Meeting the challenge of climate change and flooding.

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

9. National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

10. The main issues for consideration are:

- a) Visual Amenity
- b) Residential Amenity
- c) Impact on Trees
- d) Highway Safety and Parking

Visual Amenity

11. Policy HOU8 states that proposals for extensions to dwellings will be permitted provided that :-
- a) the proposed extension is suitable in size, scale and materials to the existing dwelling to which it should be physically linked; and
 - b) is designed to ensure it does not result in significant harm to the overall character and appearance of the area taking into account the surrounding built form and /or street scene.
12. The proposed extension is of an acceptable scale, bulk and mass which would neither overwhelm nor dominate the property. The proposed design is acceptable and is sympathetic to the building's original character and form. Located to the rear of the host building, the development would appear neither prominent nor intrusive and would assimilate well with its surroundings. With views limited to within and immediately outside the site, no significant or unacceptable visual harm to the character or the appearance of the surrounding streetscene or wider countryside would be caused and the above criteria is considered to be met.

Residential Amenity

13. Policy HOU8 further states that extensions to dwellings will be permitted provided the proposed extension would not materially harm any neighbouring uses including the living conditions of adjoining residents. Objections have been received raising concern over loss of light, overlooking and, that the development would be unacceptably overbearing.

14. The proposed extension is located to the rear of the recently constructed dwellings in Three Fields Road, with properties there being a distance of approximately 20m from the proposed flank wall of the extension. As such, it is not considered the extension would be unacceptably overbearing or result in significant or unacceptable loss of light to adjoining properties.
15. Given the distance and orientation of the proposed extension to the dwellings in Three Fields Road it is also not considered that any significant or unacceptable overlooking and subsequent loss of privacy would result from this development. No first floor windows are proposed on the side of the new extension and a condition to prevent any new opening being created is recommended, to ensure adequate privacy for the rear garden areas of the properties in Three Fields Road is be maintained. On balance, no material harm to the amenity and/or living conditions of the adjacent residents would be caused by this development.

Impact on Trees

16. Trees and hedgerows are key aspects of the Borough's countryside. Policy ENV3a requires regard to be had to the composition of trees and woodland and states amongst, other things, that existing features that are important to the local landscape character shall be retained. Policy ENV5 of the Local Plan seeks to protect important rural features including trees.
17. To the rear of the dwelling lie a number of trees, including a mature Oak (T8) which is subject to a TPO No 7 of 2014. Following concerns raised by Officers, a tree survey and an Arboricultural Impact Assessment (AIA) have been submitted in support of this application.
18. The submitted AIA states that no trees are required to be removed as part of the proposed development and that the proposed extension would not fall within the RPA of tree T8. The tree is positioned on the northern side of the drainage ditch which borders the northern boundary of The Pines. Its lower buttress growth habit is concurrent with that of a tree that has grown and matured in the presence of a moderate constraint to root growth, (the existing dwelling which lies to the south. It is both for this reason along with the presence of higher levels within the site that significant dense or fibrous root growth associated with the support of the tree are unlikely to have developed within the rear garden of The Pines. A site investigation, executed under arboricultural supervision disproved the existence of any root growth (to a depth of at least 800mm) in any of the trial pits made. Whilst it is acknowledged that the proposed foundations are likely to exceed the 800mm depth of investigation trial pits, given the soil make up, which is predominantly clay, it is unlikely that a significant value of dense fibrous root growth will be present below this depth.
19. In light of the investigation and given the distance between the proposed extension and said tree, the AIA concludes the proposed extension would not constitute cause for any significant concern for the long term health of T8. The

Landscape Officer has been consulted and is in agreement with the conclusions from an arboricultural perspective. On balance, it is considered that no harm to protected trees would result from this proposal.

Parking

20. No loss of parking would result from this proposal and there is sufficient space on site to accommodate two or more cars. The development is thus compliant with the Council's parking standards for a dwelling of this size.

Human Rights Issues

21. 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

22. 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

23. In conclusion, in light of the above assessment, the submitted proposal is considered to be acceptable in respect of its visual impact, impact upon protected trees, residential amenity and highway safety.
24. With no significant or unacceptable harm identified and no matters raising an overriding objection to the grant of permission, the proposal is considered to be in accordance with the provisions of the Development Plan and the emerging policies of the Tenetrden Neighbourhood Plan and it is therefore recommended that the application is approved subject to conditions.

Recommendation

Permit

Subject to the following Conditions and Notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in 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.

3. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of visual amenity.

4. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- a. All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement. Such tree protection measures shall remain throughout the period of construction
- b. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- c. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- d. No roots over 25mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within

the spread of the branches or Root Protection Areas of the trees and other vegetation;

- e. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level.
- f. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent Order revoking or re-enacting that Order, no windows other than those shown on the approved plans shall be inserted on the side elevation of the extension hereby approved.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

6. 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

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 applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- 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 21/00907/AS)

Contact Officer: Laura.Payne
Email: laura.payne@ashford.gov.uk
Telephone: (01233) 330738