

Application Number	18/00065/AS
Location	37 Sparkeswood Avenue, Rolvenden, Cranbrook, Kent, TN17 4LZ
Grid Reference	84477/31588
Parish Council	Rolvenden
Ward	Rolvenden & Tenterden West
Application Description	Proposed 3 bedroom detached dwelling adjacent to 37 Sparkeswood Avenue
Applicant	Mr A Burgess, 37 Sparkeswood Avenue, Rolvenden
Agent	N/A
Site Area	0.047ha

(a) 10/12R 2+ (b) R (c) KHS/-

Introduction

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

Site and Surroundings

2. The application site is within the built confines of Rolvenden and is within part of the residential garden of a semi-detached two storey dwelling, No 37 Sparkeswood Avenue. The existing property benefits from off road parking in tandem.
3. The street scene is characterised by two storey semi-detached and terraced dwellings within the immediate vicinity of the site. Large open green spaces exist to the front of the properties which are set back from the road.
4. Rolvenden Conservation area abuts the rear of the site and the site is located within the High Weald Area of Outstanding Natural Beauty (AONB).



Figure 1 - Site Location Plan



Figure 2- Aerial photograph with site outlined in red

Proposal

5. Planning permission is sought for the erection of a detached two storey dwelling within the residential garden to the north of No 37 Sparkeswood Avenue.
6. The original submission indicated that the proposed dwelling would benefit from two off road parking spaces, utilising the existing driveway serving No 37. As part of the proposal, a new driveway serving No 37 would be constructed.
7. Due primarily to the width of the existing driveway, these parking arrangements were considered to be substandard. Consequently, the driveway dimensions have been amended to 2.5m x 5m, so that adequate parking provision can be accommodated for both the existing and proposed dwelling.

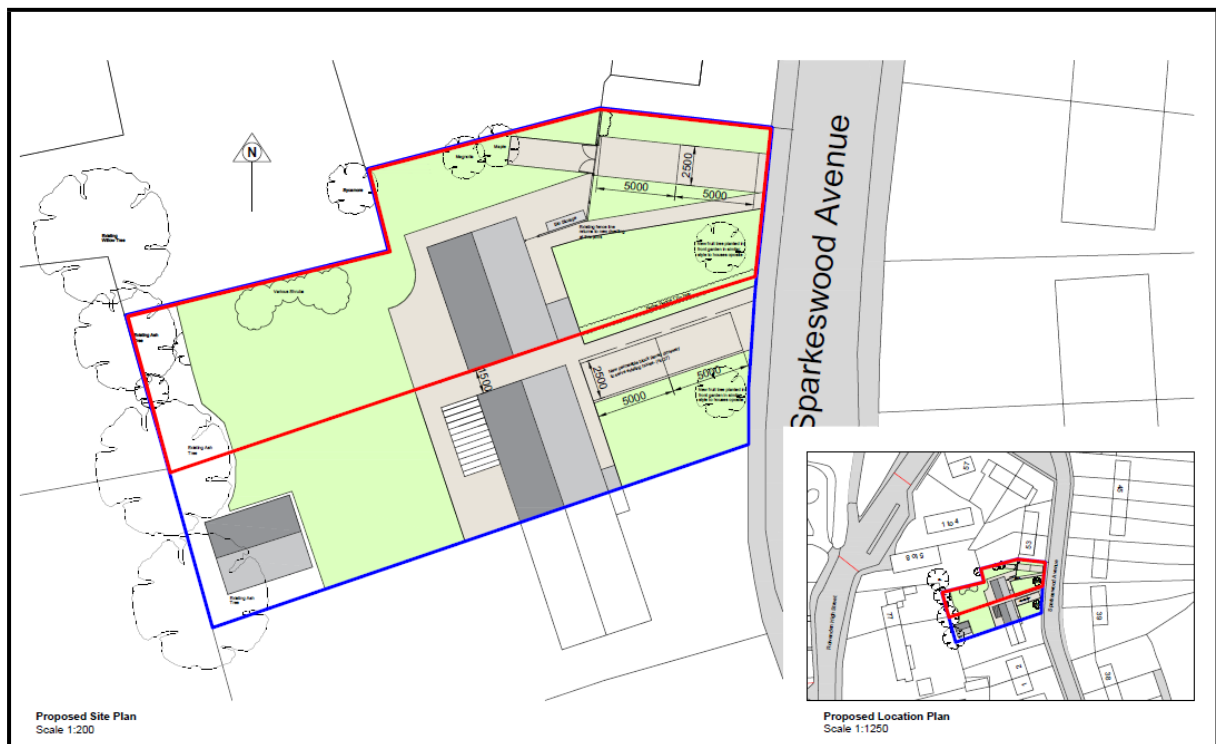


Figure 3 - Block and Site Location Plans



Figure 4 - South and East (side and front) elevations



Figure 5 - north and west (side and rear) elevations

Planning History

There is no recent relevant planning history for this site.

Consultations

Ward Member: Cllr Bennett

Rolvenden Parish Council: Object for the following reasons:

- Contrary to policies CS1, CS9, TRS1 and those emerging in the new Local Plan.
- Harm to the character of the area through infilling of an important open space which would result in a terracing effect.

- Loss of view [**JDCM comment:** this is not a material planning consideration]
- Loss of on street parking in a road which already has a parking problem
- Additional parking would result in loss of green space and loss of on road parking which is confirmed in the draft NP [**JDCM comment:** the Neighbourhood Plan (NP) is not currently adopted so is afforded limited weight at present. The weight afforded to the NP is considerably less than that afforded to the Development Plan until it reaches an adoptable standard so as to form part of the Development Plan]
- Application 15/00058/AS at No 14 for a new dwelling was similar to this proposal and was refused and dismissed at appeal.
- Request input into design and materials proposed which have not been considered at this stage.
- The developer should not be permitted to use the road or verge during construction.

KCC Highways and Transportation: consulted; the development does not warrant the involvement of the Highway Authority.

10 neighbours consulted: 13 objections received with the following concerns:

- Set a precedent for future development [**JDCM comment:** each application is assessed on its own merits]
- Design is out of character with other properties.
- Harm to the character of the area.
- Parking in the Avenue is already insufficient.
- Highway safety as a result of loss of on road parking and increased traffic.
- Access for construction vehicles.
- Loss of light.
- Loss of privacy.
- Loss of view [**JDCM comment:** this is not a material planning consideration]
- Loss of mature trees.

- Loss of habitat [**JDCM comment:** the site is part of a maintained garden which is of low ecological value in terms of protected species]
- Loss of green space.
- Existing large development elsewhere within the village.
- Rolvenden Neighbourhood Plan raises concerns about parking on the Avenue.
- Pressure on local infrastructure.

2 general comments received raising the following:

- Impact of boundary fencing between the site and our driveway [**JDCM comment:** this can be controlled by condition but is a civil matter to be agreed by neighbours]
- The open space to the front should be maintained [**JDCM comment:** permitted development rights prevent such development other than porches, this can be controlled by condition]
- Insufficient parking.
- Loss of light.

Planning Policy

8. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight.
9. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN16 – Development in Conservation Areas

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS2 – Borough Wide Strategy

CS6 – The rural settlement hierarchy

CS9 – Design Quality

CS15 – Transport

CS20 – Sustainable Urban Drainage

Tenterden and Rural Sites Development Plan Document 2010

TRS1 – Minor Residential Development or Infilling

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

Emerging Ashford Local Plan to 2030

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

HOU3a – Residential windfall development within settlements

HOU10 – Development of Residential Gardens

HOU12 – Residential space standards internal

HOU14 – Accessibility Standards

HOU15 – Private External Open Space

TRA3a – Parking Standards for Residential Development

TRA6 – Provision for Cycling

ENV1 – Biodiversity

ENV3b – Landscape Character and Design in AONBs

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

ENV14 – Conservation Areas

Supplementary Planning Guidance/Documents

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Village Design Statements & Neighbourhood Plan

Rolvenden Neighbourhood Plan (regulation 14 consultation draft 2017) - The Neighbourhood Plan is currently out for consultation and can only be given limited weight at present. Any proposed changes suggested by the Inspector will need to be considered and made and then the plan put out for local referendum with 50% of the turnout in favour before being adoptable as part of the Development Plan.

Government Advice

National Planning Policy Framework (NPPF) 2012

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.
12. Paragraph 216 states in relation to the stages of preparing a Local Plan that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The following sections of the NPPF are relevant to this application:-

- Paragraph 53 which relates to the development of residential gardens
- Paragraph 115 which relates to the conservation of designated landscapes which include Areas of Outstanding Natural Beauty.

National Planning Policy Guidance (NPPG)

Assessment

The following issues are considered to be raised by the application:

- The principle of the development
- Visual Amenity
- Residential Amenity
- Highway Safety and Parking

Principle

13. The site is located within the built confines of the village of Rolvenden. Therefore the most relevant policies against which to assess whether the principle of development is acceptable are policies TRS1 of the Tenterden and Rural Sites DPD and policy HOU3a of the emerging Local Plan to 2030, both of which allow for minor residential infilling within the built up confines. Both of these policies identify Rolvenden as one of the settlements where such development is acceptable in principle subject to certain criteria.
14. Criteria a of policy TRS1 states that development must be able to be easily integrated into the existing settlement without the need to substantially improve the infrastructure or other facilities. The proposal is for a single dwelling house, which would benefit from the range of facilities already provided within the village of Rolvenden, which are all in close proximity. The increase of one dwelling would not necessitate financial contributions towards improvements to infrastructure or other facilities. Guidance contained within the NPPG indicates that it is not considered reasonable to impose such a burden on developments of this size. Given this, it is considered that the first criteria is met.

15. In accordance with criteria c of policy TRS1, there would not be any displacement of other active uses such as employment, leisure or community use as this is a part of the private garden area serving an existing dwelling. However, the loss of garden is something which will be addressed later in this report as this is a material consideration.
16. In summary, the proposal would comply with policy TRS1 in respect of the proposal being situated within the built confines of the village of Rolvenden, where minor residential development of this nature is accepted. The proposal would not necessitate improvements to infrastructure or other facilities. The other requirements of the policy are addressed in the sections which follow below.

Visual amenity

17. TRS1 requires any proposal to be of a layout, scale, design and appearance that is appropriate to the character and density of its surrounding area.
18. The immediate surrounds are characterised by blocks of semi-detached and terraced properties. The building line for each block is staggered which provides relief within the street scene. Figure 3 shows that the proposal would follow the front and rear building line established by the block comprising numbers 35 and 37. In this respect, the proposal would not interrupt the rhythm or pattern of development, but would continue to reflect the established spatial layout.
19. Number 37 currently benefits from a plot that is substantially larger than that of its immediate neighbouring properties. As such, the subdivision of the plot can be accommodated to reflect the plot sizes and thus density of development surrounding the site. To this end, the development would not appear cramped, and in officer's view, does not represent overdevelopment.
20. Dwellings in Sparkeswood Avenue retain a similar appearance to one another. The bulk, scale and design of the proposed dwelling is not dissimilar to the existing dwellings within the immediate vicinity. In this instance, contextually, to design a dwelling similar in appearance to the existing dwellings, is considered to be an appropriate response. Details of materials can be secured by condition to ensure the new dwelling would assimilate with the neighbouring dwellings.
21. Concerns have been raised by neighbours and the Parish Council regarding a terracing effect as a result of a cramped form of development. Whilst this would infill a space between No 37 and No 53, given the orientation of the proposed dwelling in relation to No 53, (which is set significantly further

forward).in officer's view, sufficient relief and spacing would exist between the two dwellings preventing a terracing effect.

22. For the reasons above, the proposal is considered to comply with the design, scale and form aspect of policy TRS1.
23. Criteria d of policy TRS1 indicates that proposals that result in the loss of public or private open spaces or a gap which is an important part of the settlement will not be supported. The width of the side gap between number 37 and 53 is not commonly replicated along Sparkeswood Avenue. In most instances, blocks of dwellings are located in relatively close proximity to one another. The defining characteristic along Sparkeswood Avenue is the set back of dwellings from the road and the existing greenery to the frontages. The proposal allows for the retention of this defining characteristic. In terms of the side gap between no. 37 and 53, this is enclosed by a closed boarded fence and whilst tree planting is visible, overall, the gap makes a relatively limited contribution to the street scene. Given the above, and the acceptably of the design and layout of the proposed dwelling within the plot it is not considered that the proposal would result in the loss of an important gap within the street scene which would be harmful to its character.
24. The proposed dwelling would result in the loss of part of the garden to the northern side of No 37. Paragraph 53 of the NPPF and emerging Local Plan policy HOU10 seek to avoid inappropriate development within residential gardens. The loss of the garden would only be acceptable should the development not result in harm to the character of the area. As outlined above, the development would sit comfortably within the plot and street scene, reflecting the established building line, of the neighbouring dwellings and would be of the same width, height and design as the existing dwellings within the immediate vicinity. Therefore, the proposed development would not result in an inappropriate form of development within this residential garden.
25. The site is within an area designated as an AONB. Paragraph 115 and policy ENV3b afford great weight to the conservation and enhancement of designated landscapes in accordance with their significance. Given the context of the site and the location, form, scale, materials and design, it is considered that the development would conserve the appearance of the area and not be detrimental to its special character.
26. The rear of the site abuts the Rolvenden Conservation Area. Given the separation distance of the proposed dwelling to the Conservation Area, and the acceptability of the development as detailed above, the proposal is not considered to harm the character or appearance of the conservation area or its setting.

27. In light of the above, the proposal would not be unacceptable in visual terms and would comply with requirements of policy TRS1.

Residential Amenity

28. Policy HOU10 seeks to ensure a good level of amenity for adjoining residents as a result of the development of residential gardens. The proposed development would be situated in a set back position in relation to No 53 and in line with the front and rear building lines of the existing dwelling, No 37. Given this, there would not be an overbearing impact upon the neighbouring dwellings or the most private garden area of these neighbouring dwellings.
29. The front windows of the proposed dwelling would face east, the two closest to the neighbour at No 53 would serve non-habitable rooms. The furthest window at first floor on the east facing elevation would serve a bedroom, it is not considered that the angle of view from this window would result in a level of overlooking which would result in a loss of privacy to No 53. The rear facing windows would be over 22m at the closest point to the nearest neighbouring dwellings. Given this relationship, the proposed dwelling would not result in an unacceptable loss of privacy.
30. Emerging policy HOU15 and the Council's adopted Residential Space Standards (for external space) seek to ensure sufficient external amenity space for future occupiers. The proposal would comply with the standards required by the emerging and adopted guidance. The internal space standards for the proposed dwelling would comply with the Nationally Described Technical Standards and emerging policy HOU12. Given this, the dwelling would provide sufficient living accommodation for future occupiers.
31. In light of the above, the proposal would not result in harm to residential amenity.

Highway Safety & Parking

32. Local residents and the Parish Council state that there is an existing parking issue in the immediate area. Due to this, local residents and the Parish Council have raised concern regarding the loss of on-street parking resulting from the creation of additional parking and improvements to existing parking to serve the proposed development.
33. The existing off road parking and vehicle cross-over which serves No 37 would be improved to serve the proposed development. Subject to undertaking the improvements to the current parking arrangements (which can be secured by condition) the proposed parking to serve the development

would comply with the Council's Residential Parking SPD and emerging policy TRA3a for a dwelling of this size.

34. To off-set the loss of off-road parking to serve No 37, a new permeable parking area to accommodate two vehicles would be provided to the front of number 37. This can be secured by condition which will ensure that the existing dwelling also complies with the Council's Residential Parking SPD and emerging policy TRA3a..
35. With regard to the concern raised by local residents and the Parish Council, it is important to note that the formation of a permeable surface for vehicle parking and the formation of an access onto an unclassified road do not require the benefit of planning permission. As such, the applicant could legitimately construct an additional access and additional parking without the benefit of planning permission. In terms of the impact upon on street parking, this would result in a similar scenario to that which would arise as a result of this proposal. In officer's view, this is a material consideration which should be afforded substantial weight.
36. On this basis, and given that the proposal includes adequate provision to serve the existing and proposed development in accordance with the Council's standards, in officers view there is no justifiable grounds to refuse the application for reasons relating to parking provision. Whilst the creation of the new access would result in the loss of an on road parking space, given the potential fall-back position and in light of the scheme complying with the Council's adopted standards, on balance, it is considered that the proposal is acceptable and would not adversely impact upon highway safety.

Other issues

37. Concerns have been raised regarding the loss of mature trees on the site prior to this application being considered. There is no control over the trees or vegetation on site, and so their removal does not represent any breach of planning controls.
38. There are several trees to the rear of the site which are well separated from the proposed dwelling. These are mature Ash trees. The separation distance of the trees from the proposed dwelling would prevent incursion into the root protection areas of these trees. A condition can be imposed to ensure protection of these trees during construction and which prevents the loss of any mature vegetation on the site which has shown as retained on the block plan.
39. The Parish Council refer to a planning application adjacent to No 14 Sparkeswood Avenue that was previously refused and dismissed at appeal.

The Parish Council indicate that the refused scheme is comparable to this scheme. However, in officers view, the two applications are contextually different in terms of their layout, scale and form. The application relating to land adjacent to No 14 proposed a bungalow, and would have resulted in a cramped form of development, as the plot was narrower in width. In addition, the bungalow was set back further from the road and at right angles to neighbouring dwellings and therefore failed to reflect the established pattern of development. The proposal therefore constituted an incongruous form of development.

Human Rights Issues

40. 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

41. In accordance with paragraphs 186 and 187 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 as explained in the note to the applicant included in the recommendation below.

Conclusion

42. The proposed development is located within the built confines of Rolvenden where there is access to a range of services and facilities. The proposal would comply with policies TRS1 and HOU3a in respect of minor residential infilling in a rural settlement.
43. The layout is acceptable and the proposed dwelling would be well designed and in keeping with the street scene.
44. The proposal would not result in the loss of an important gap and would not result in harm to the designated landscape or the setting of the adjacent conservation area, the characters of which, would be preserved.
45. The proposal would not result in harm to residential amenity.

46. In terms of highway matters, given the potential fall-back position and in light of the scheme plying with the Council's adopted standards, the development is not considered to significantly impact upon highway safety.
47. Overall, it is considered that the development would comply with the guidance contained within the NPPF and the adopted and emerging policies of the Development Plan.

Recommendation

Permit

Subject to the following Conditions and Note:

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. Written details including source/manufacturer, and samples of bricks, tiles and cladding materials to be used externally and in the construction of any hard surfacing shall be submitted to and approved in writing by the Local Planning Authority before any works above foundation level and the development shall be carried out using the approved external materials.
Reason: In the interests of visual amenity.
3. The vehicle parking spaces to serve number 37 Sparkeswood Avenue and the development hereby permitted shown on drawing number (GA02B) shall be provided in accordance with the approved plan prior to the occupation of the dwelling hereby approved and shall be retained for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.
Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.
4. Prior to the first occupation of the dwelling hereby approved, details of refuse storage facilities shall be submitted to and approved in writing by the Local

Planning Authority. The approved refuse storage shall be completed prior to the first occupation of the development and shall thereafter be maintained. .

Reason: In the interests of visual amenity.

5. Prior to the first occupation of the dwelling hereby approved, details of bicycle storage facilities showing a covered and secure space shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to the first occupation of the development and shall thereafter be maintained. .

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

6. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before any works above foundation level. The walls and fences shall then be erected before the dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

7. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and maintained in accordance with these details.

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 pursuant to Core Strategy Policy CS20.

8. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday

Reason: To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

9. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and

used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud 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 and the amenities of local residents.

10. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

11. The approved development shall be carried out in such a manner as to avoid damage to existing vegetation and landscape features to be retained by observing the following: All areas and features to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012 or otherwise to the satisfaction of the Local Planning Authority. Such protection measures shall be installed prior to the commencement of development and remain throughout the period of construction; No materials or equipment shall be stored within the protected area and no works shall be carried out within the protected area without the written consent of the Local Planning Authority. Operations adjacent to protected areas shall be carried out in a manner to prevent contamination from dust, litter, and other contaminated substances.

Reason: To preserve the character of the Conservation Area and protect existing vegetation including mature trees on the site.

12. 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 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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no hardstanding shall be laid to the front of the dwelling hereby approved or No 37 Sparkeswood Avenue which would

otherwise be permitted under Classes F of Part 1 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

14. 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, unless otherwise agreed by the Local Planning Authority.

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.

15. 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

In accordance with paragraphs 186 and 187 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 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 18/00065/AS)

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Annex 1

