

<b>Application Number</b>	PA/2022/2223
<b>Location</b>	40, Park Road, Kennington, Ashford, Kent TN24 9DL
<b>Grid Reference</b>	601737, 144580
<b>Parish Council</b>	Kennington
<b>Ward</b>	Bybrook
<b>Application Description</b>	Demolition of existing bungalow and garages and construction of 2 no. detached houses with associated parking.
<b>Applicant</b>	Mr J Reardon
<b>Agent</b>	Mr Keith Plumb, 53 Woodstock Road, Sittingbourne, Kent ME10 4HJ
<b>Site Area</b>	0.12 hectares

## Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Howard Turner.

## Site and Surroundings

2. The application site is a residential plot approximately 0.12 ha in size located on the northern side of Park Road. It comprises an existing two-bedroom detached bungalow with two detached garages in the rear garden. The lies close to the junction between Park Road and Tudor Byway in Kennington.
3. The surrounding area is predominantly residential in nature. It has a mixed character with no uniformity in plot size, building line, or architectural language. Indeed, within the vicinity of the site there is a mixture of property types including detached and semi-detached dwellings ranging from single to two storeys in height. To the southwest of the site, for instance, is a detached bungalow whilst to the northeast is a detached two-storey dwelling. The majority of properties have off street parking accessed from Park Road.
4. The site is located within the Stour catchment.



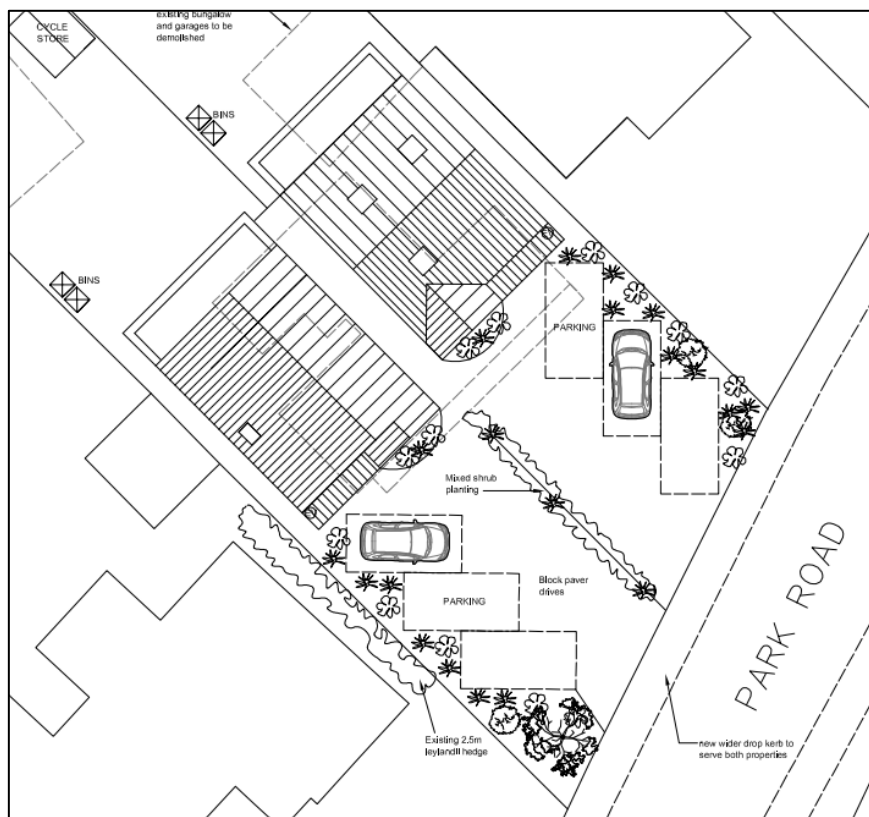
**Figure 1: Site location plan**

## **Proposal**

5. Planning permission is sought for demolition of the existing bungalow / garages and construction of two detached houses with associated parking.
6. The proposed dwellings would be two storeys in height with varying roof designs. The proposed southwest dwelling (adjacent to No. 42) would feature a hipped roof that would slope down along the south-western boundary to a height of approximately one and a half storeys. The proposed northeast dwelling (adjacent to No. 38) would feature a gable end roof design.
7. The proposed external facing materials would include multi stock brickwork with red brick detailing for the elevations, plain roof tiles and white upvc windows.
8. The proposed dwellings would both feature an area of off-street parking at the front with space for three cars to park. The existing dropped kerb would be required to be widened to serve the two properties.
9. Electric vehicle charging points would be provided for each dwelling and pv solar panels would be included on the roof slopes.



**Figure 2: Existing bungalow with garage to rear and No. 38 to side**



**Figure 3: Proposed layout**



**Figure 4: Proposed southwest house (adjacent to No. 42)**



**Figure 5: Proposed northeast house (adjacent to No. 38)**

## Planning History

10. There is no relevant planning history.

## Consultations

11. **Ward Member:** Cllr Turner has requested for the application to be determined at Planning Committee.
12. **Kennington Community Council:** Object as the proposal would represent an overdevelopment of the site.
13. **Environment Agency;** This planning application falls outside our remit as a statutory planning consultee.

**Neighbours:** 7 consulted. 7 letters of objection received stating the following:

- Out of keeping.
- Overdevelopment of the site.
- The plot is not suitable for two dwellings.
- Cramming.
- The plot if only suitable for one house.
- The parking will not work and cars will be forced to park on the road.
- Additional cars on the road will inconvenience other properties.
- Additional cars on the road will create potentially hazardous conditions for the existing neighbours.
- Additional cars and large construction vehicles will mean the road is no longer safe for children to play.
- Disruption during building work and when vehicles are manoeuvring.
- Noise during construction.
- **Officer Comment:** Noise and disturbance arising from the construction works would be dealt with under separate legislation. The applicant would however be required to adhere to the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not, in general, occur outside of these times, on Sundays or Bank/Public Holidays.
- Increased risk of accidents due to nearby road junction.
- Cars should enter and exit in a forward gear.
- Loss of on street parking due to increased size of dropped kerb.
- People using the parade of shops on Faversham Road already park in the lower part of Park Road.
- Unattractive development.
- Lack of cohesive design style.
- The side walls would be right up against the boundaries of the adjacent properties.
- View of whole building from kitchen/sitting area of No. 42 where there is currently nothing.

- Loss of day light and sun light for No. 42.
- Overlooking / loss of privacy of gardens either side due to 2 storey dwelling being created.
- Two side (lounge) windows of No. 42 will be adjacent to car parking spaces and fumes etc;
- Concerns regarding loss of hedgerow that was planted by No. 42 on the grounds of No. 42 to provide privacy – this needs to be protected;
- **Officer Comment:** The hedgerow is shown to be within the curtilage of No. 42 and not the development site. Any damage to this hedgerow would be a private matter between individuals. An appropriately worded planning informative has been suggested.
- Loss of established Copper Beech hedgerow that runs along boundary due to erection of a fence.
- **Officer Comment:** A landscaping condition is recommended.
- Loss of sunlight to properties at rear.
- Loss of bungalow and these are in demand in the area.
- **Officer Comment:** There are no specific policies in place within the Local Plan to protect these types of houses from demolition.
- Suspected asbestos roof on garages.
- **Officer Comment:** A relevant planning informative is recommended to remind the applicant that the work must be carried out having due regard to asbestos regulations.
- There should be no bonfires on site.
- This will not make any difference to Ashford's overall 5-year housing supply numbers;
- Impact on wildlife due to removal of planting.

## Planning Policy

14. 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) the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU3a – Residential Windfall Development

HOU12 – Residential Space Standards (internal)

HOU15 – Private external open space

ENV1 – Biodiversity

ENV4 – Light pollution and promoting dark skies

ENV7 – Water Efficiency  
ENV9 – Sustainable Drainage  
TRA3a – Parking Standards for Residential Development  
TRA6 – Provision for Cycling  
TRA7 - The Road Network and Development  
EMP6-Promotion of Fibre to the Premises (FTTP)

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

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

Residential Space and Layout SPD 2011 (now external space only)  
Residential Parking and Design SPD 2010  
Dark Skies SPD 2014

Fibre to the Premises SPD 2020  
Climate Change Guidance 2023

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2021

17. 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:-

- Presumption in favour of sustainable development
- Determination in accordance with the development plan
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change and flooding
- Habitats and biodiversity

#### National Planning Policy Guidance (NPPG)

#### Technical Housing Standards – Nationally Described Space Standards

18. **Assessment**

19. The main issues for consideration are:

- Principle of Development and Visual Impact

- Residential Amenity
- Highway Safety
- Sustainability
- Stodmarsh
- 5 Year housing land supply

### **Principle of Development and Visual Amenity**

20. Falling within the built-up area of Kennington, the proposed redevelopment of the site is considered acceptable in principle. Ashford is listed under Policy HOU3a of the Local Plan 2030 as a settlement suitable for new residential development provided it complies with the following criteria:
- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
  - b) It would not create a significant adverse impact on the amenity of existing residents;
  - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
  - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
  - e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
  - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
  - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
  - h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
21. The above is consistent with the NPPF and development plan Policy SP6 which require development proposals to be of high-quality design and demonstrate careful consideration of, and a positive response to, character, distinctiveness and sense of place.
22. Whilst the proposal would involve the demolition of a single storey bungalow and its replacement within two new two storey dwellings, this would not appear out of character in the street scene as there are a mixture of dwelling types and sizes in the immediate vicinity of the site. The general mix of properties includes detached bungalows, chalet bungalows, semi-detached houses and two storey detached dwellings.
23. The layout of the proposed development has been designed so the front building line would be more or less level with those to the northeast of the site at Nos. 38, 36 and 34. Whilst the proposed development would be set back



from the front corner of the dwelling to the southwest at No. 42 by approximately 7m, the building line does vary along this road and this would not appear out of keeping.

24. The dwellings would be positioned approximately 1m away from the side boundaries of the site; however this is similar to some of the other properties along the road and will retain separation between plots. The different roof styles of the proposed dwellings would mean they do not appear too tight or overbearing and this would also help to maintain a sense of space from the gap between the roofs. Whilst the proposal would include an additional unit, it has been designed in a way to sit comfortably within its surroundings and not appear visually prominent or intrusive. There are a variety of roof designs in the locality including hipped roofs, gable end roofs and barn end hipped roofs. As such, the proposal is considered to be compatible with the local characteristics of the area.
25. The proposal would provide ecological enhancements in the form of bird boxes, bat boxes, bee and insect bricks, swift bricks, hedgehog highway apertures to new fencing, and spring bulb planting to parts of the lawned garden areas. These features could be secured by way of a planning condition. A landscaping condition would also be appropriate.
26. Whilst the proposal will result in the loss of a bungalow, there are no specific policies in place within the Local Plan to protect these types of houses from demolition.
27. The proposal would not result in unacceptable harm to the amenities of the street scene or surrounding area that would warrant refusal and the proposal would comply with the aims and objectives of both Policies HOU3a and SP6 in respect of visual impact.

### **Residential Amenity**

28. In consideration of the amenity of the future occupiers, the proposed dwellings would comply with the relevant space standards for both internal and external amenity space.
29. There would be first-floor side-facing windows for both dwellings; however these would serve bathrooms and stairwells and could be obscure glazed (privacy level/grade 3 or higher) to mitigate against any unacceptable harm. Although the first-floor rear-facing windows might result in some overlooking of the adjacent gardens as the existing bungalow is only single storey in height, this would not be any worse than what would typically be expected in a built-up residential area and no different from any other two storey dwelling along the street.
30. Given the siting and orientation of the proposed dwellings, as well as the design of the roof adjacent to No. 42 that would measure approximately 4.8m to the

eaves line, it is considered the proposed development would not appear overbearing or result in any undue harm in terms of loss of outlook. There is an existing established hedge along this boundary in the garden of No. 42 as well as an outbuilding in close proximity to the rear corner of the house.

31. On balance, no significant or unacceptable harm to the residential amenity of the adjacent neighbouring residents would result from this development.

### **Highway Safety**

32. Policy TRA3a requires three-bedroom dwellings to provide two parking spaces per unit and four bedroom dwellings to provide three parking spaces per unit. In this case, three spaces have been provided at the front of each dwelling and a vehicle tracking plan has been included to demonstrate manoeuvrability into the spaces.
33. Whilst vehicles may reverse onto the road on occasions, it is not considered the overall impact on highways safety would be harmful enough to warrant refusal on this basis. There appear to be other properties along the road where cars are required to reverse out, or they reverse in from the road.
34. Cycle storage and refuse storage areas would both be provided in the rear garden of each property. A single electric vehicle charging point would also be provided to each dwelling.
35. It is therefore considered the proposed development would be acceptable from a parking and highway safety perspective.

### **Sustainability**

36. The proposed dwellings would include pv solar panels and electric vehicle charging points. Other sustainable features would include high efficiency boilers with heat recovery, low energy light fittings and general appliances, 'A' rated white good, low-capacity toilet flush cisterns and low flow taps, and secure cycle storage facilities. A water butt for each property could be secured by way of a planning condition.
37. Kennington is a district of Ashford considered to be a sustainable location for new development given access to local transport and other facilities.

### **Stodmarsh**

38. Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. This relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.

39. 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, subject to an Appropriate Assessment prior to any decision to grant planning permission.
40. The site falls within the Stour catchment area and it is proposed to connect to the mains sewer drainage network. The applicant has submitted a Nutrient Assessment and associated nutrient load calculations.
41. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting Natural England (NE) upon it, and amending and/or adopting it after taking into account NE's views.
42. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.
43. However, work commissioned by the Council is moving forward on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
44. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), it is recommended that a resolution to grant planning permission should also be subject to the adoption by the Head of Planning and Development (having consulted NE) of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place.

### **Five Year Housing Land supply**

45. The Council accepts that it is unable to demonstrate a five year supply of housing land in the Borough and so paragraph 11(d) of the NPPF is engaged.
46. Paragraph 11(d) of the NPPF states:

*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

47. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh would normally mean that part (i) above applies, the Head of Planning and Development will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would no longer apply.
48. On the second exemption, Officers do not consider that adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply. Accordingly, it is concluded that this exemption would not apply and the tilted balance would therefore be engaged.
49. In this particular case, it is considered that the application is consistent with the Development Plan and, in the context of the tilted balance, it is concluded that planning permission should be granted in accordance with the recommendations contained within this assessment.

### **Human Rights Issues**

50. 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**

51. 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**

52. In conclusion, the development plan allows for infill development within the built confines of Ashford. It is considered the proposed development by virtue of its design, scale, design, form, and materials would not be out of character or unacceptably cramped in the context of the existing development in the immediate vicinity.
53. No unacceptable harm to residential amenity would result from this proposal and the development is acceptable in terms of highway safety and sustainability. The development makes a small contribution to the Council's 5 year housing land supply which factors in windfall sites such as this making an important contribution.
54. With no significant or unacceptable harm identified and no matters raising an overriding objection to the grant of permission, the proposal is considered acceptable and it is therefore recommended that the application is approved subject to conditions.

## **Recommendation**

### **Permit**

- A. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Planning Applications and Building Control Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto; and,
- B. Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

### **Conditions:**

- 3 years
- Approved plans
- External materials as specified
- Obscure glazing to side facing first floor windows

- Vehicle parking to be retained as shown
- EVCP
- Solar panels
- Water butt
- Bicycle storage and bin storage as shown
- Landscaping
- Ecological enhancements
- Sustainable drainage
- Construction hours
- Remove PD rights
- Site inspection

#### **Notes to Applicant**

- Working with the Applicant
- Asbestos regulations
- Code of practice hours - noisy construction/demolition activities
- Boundary hedgerow owned by No. 42
- Breeding Birds informative

#### **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 PA/2022/2223)

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