

Application Number	PA/2023/1048
Location	37 The Green, Woodchurch, Ashford, Kent TN26 3PF
Parish Council	Woodchurch
Ward	Weald South
Application Description	Proposed new chalet bungalow along with associated works in the front garden of 37 The Green
Applicant	Mr Stuart Kemp
Agent	Mr Chris McMullon (Sevencroft Ltd)
Site Area	0.0524 Hectares

Introduction

1. This application is reported to the Planning Committee at the request of Cllr. Aline Hicks.

Site and Surroundings

2. The application site is located on the northern side of The Green and sited within the built confines of Woodchurch. The site is also located within the Woodchurch conservation area and forms part of the Woodchurch Undulating Farmlands landscape character area. The site lies outside of the Stour Catchment. The application site comprises a front garden area and driveway associated with No. 37 The Green. The said driveway is accessed via an existing access off The Green and by an access way which runs along the eastern boundary of the site.
3. To the north of the application site is a former oast house which has been converted into two dwellings (No's 37 and 37A The Green) and a converted barn beyond that. There are also residential properties to the west of the site. To the east of the site is Place Farmhouse (No. 39 The Green) which is a grade II listed building. To the south of the site is Woodchurch village Green.

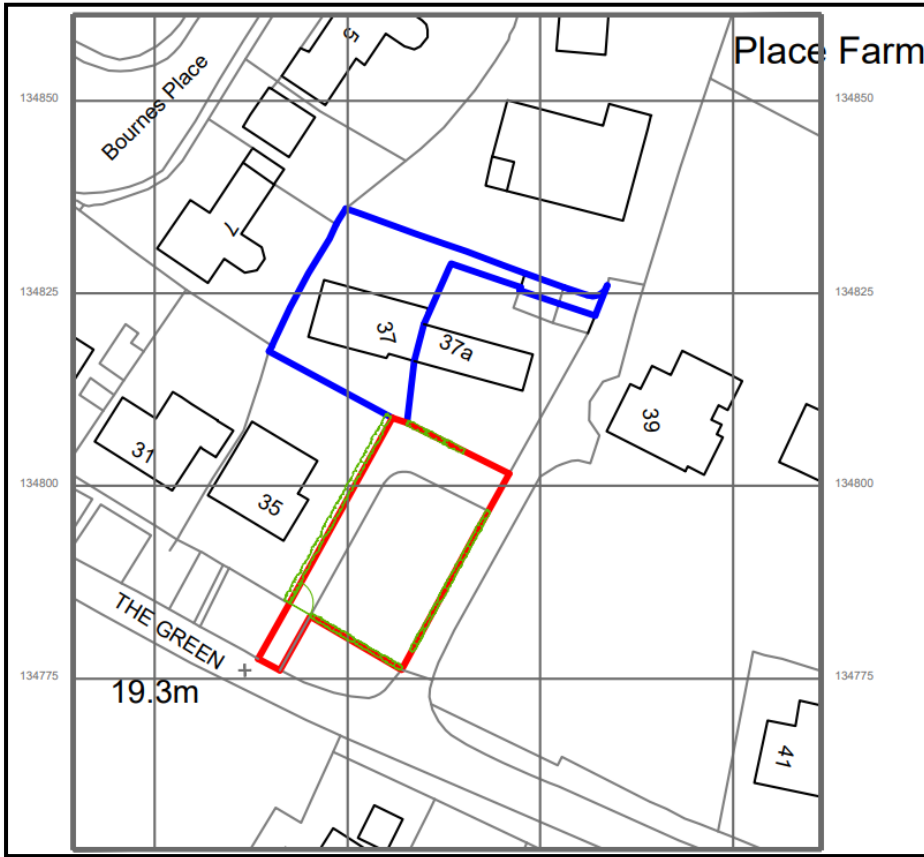


Figure 1 - Site Location Plan



Figure 2 – Aerial Photo

Proposal

- The application seeks planning permission for the erection of a single two bedroom chalet bungalow with associated amenity space and car parking provision. The roof of the proposed chalet bungalow would be made of handmade Plain tiles and the walls made of stock bricks and white weatherboarding, all of which would match the local vernacular. The proposed dwelling would have a kitchen / dining area, a utility room, a lounge, a hallway, a shower room and an office at ground floor level and two en-suite bedrooms at first floor level within the roof.
- The proposal would also provide a parking space and means of access for No. 37 The Green to the north of the site.



Figure 3 – Proposed Groundscape Pan

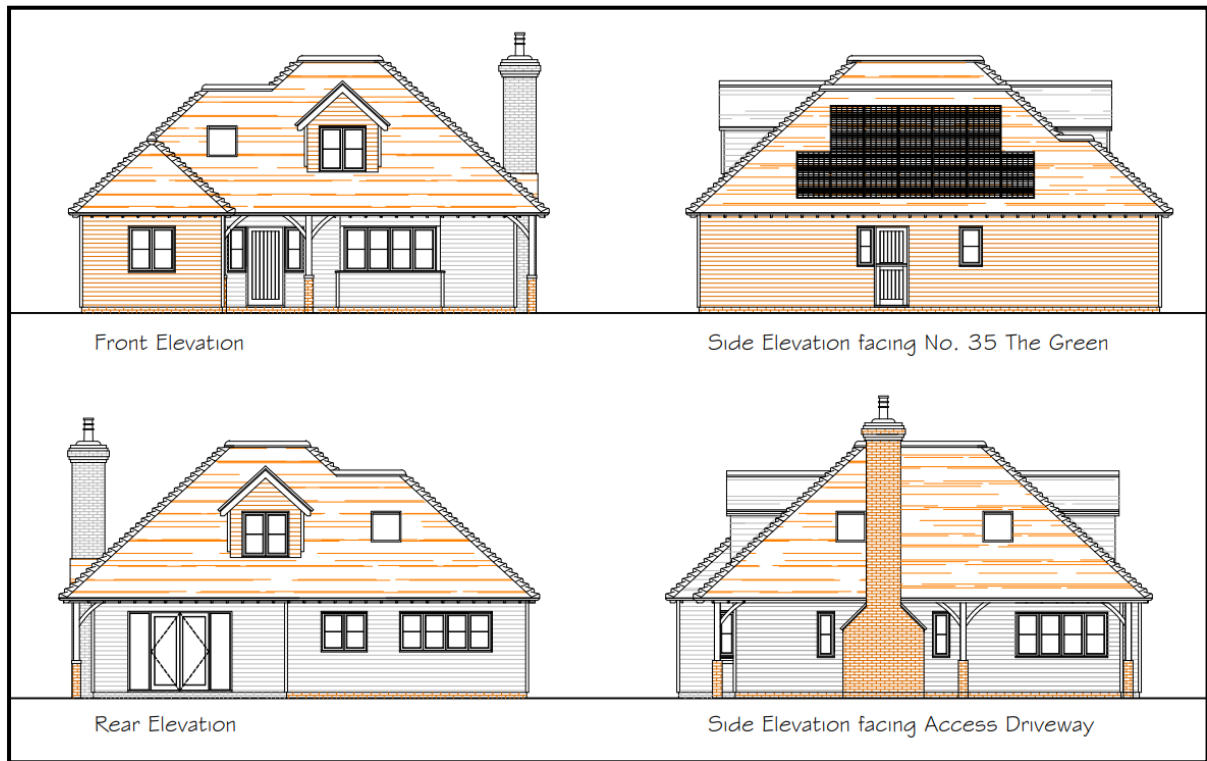


Figure 4 – Proposed Elevations



Figure 5 – Street Scene Elevation

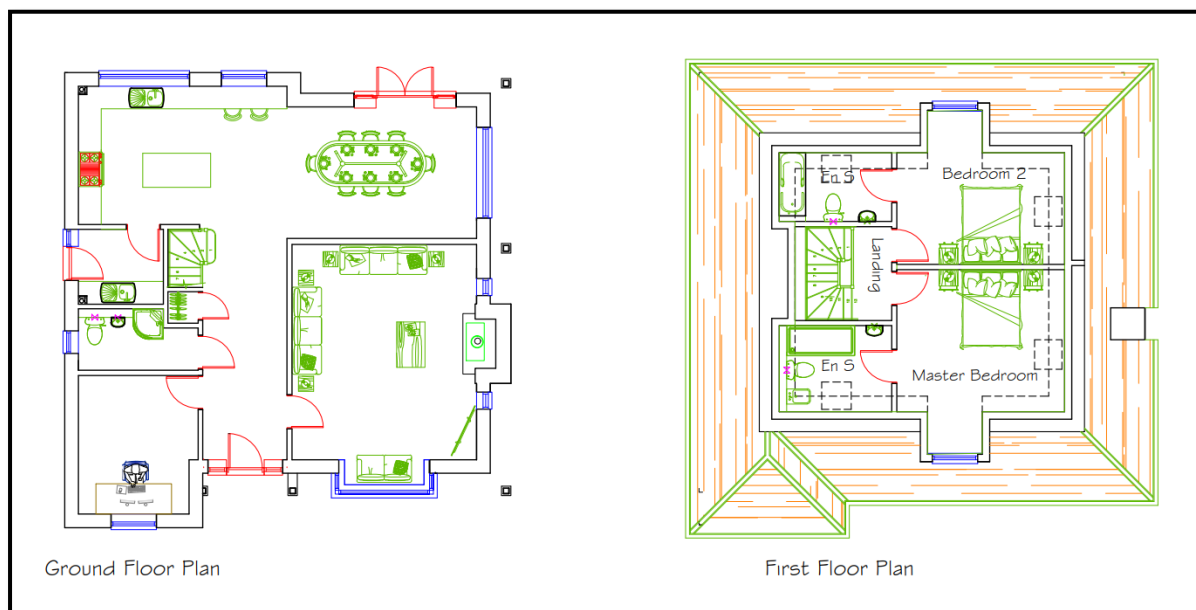


Figure 6 – Floor Plans

Planning History

6. There have been two previous schemes for larger dwellings on the site (application references 22/00744/AS and PA/2022/2277) both withdrawn following officer concerns.

Consultations

7. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to the properties in the vicinity of the application site.
8. Ward Members
 - Cllr. David Ledger – Is a member of the Planning Committee.
 - Cllr. Aline Hicks - Objects to the proposal and has asked for the application to be reported to the Planning Committee.
9. KH&T –The proposals will utilise an existing vehicle access that has been in use for over a decade. This access has excellent visibility splays for the 30mph speed limit. Adequate car parking is also proposed for the chalet bungalow. Consequently, they have no objections.
10. KCC Biodiversity – They highlight that no ecological information has been submitted with this application. However, as a result of reviewing the data they have available, and the information submitted with the planning

application, they advise that the proposed development has limited potential to result in significant ecological impacts. They state that they have taken this view as the photos provided by the planning application suggests that the site is a well managed garden which is predominately mown grassland and the site is surrounded by hard standing. As such, they are satisfied that there is no requirement for an ecological survey to be carried out at this time. They have no objection to the proposal subject to the inclusion of an ecological enhancement condition and a nesting bird informative within any permission.

11. KCC Heritage – They highlight that the site of proposed works lies within the complex of a 19th century farm which may also be part of the 17th century farm complex of Place Farm. No 37 is identifiable on the 1st Ed OS map and this site is highlighted in the Historic England Farmstead Survey. Remains associated with 19th century or earlier agrarian heritage may survive on site. In view of the archaeological potential, they recommend an archaeological works condition is placed on any forthcoming planning permission.

12. Woodchurch Parish Council – Objects to the proposal for the following reasons:
 - The erection of the dwelling on the front garden of No. 37 will create a tandem development. The block of 4 dwellings (No's 35, 37, 37A The Green and the proposed dwelling) would appear cramped and atypical of the more open form of the conservation area.
 - The development would harm the nature and character of the village, the conservation area and the adjacent heritage site. The applicant has failed to fully consider the impacts.
 - The proposal would neither preserve nor enhance the visual amenity of the conservation area.
 - The scheme would affect views into and out of the Conservation area.
 - The proposed layout with the front and side parking areas would be out of keeping with the traditional layout / form of the surrounding built form. Car parking would appear preferential to front gardens.
 - The proposal would affect the views from the adjoining properties.
 - The dwelling would affect the views of the adjacent listed building.
 - The direct vehicle access from The Green would be over land registered as Town and Village Green land and not owned by the applicant. The applicant cannot claim rights over such land and the existing access is not lawful.
 - The proposal would increase the use of the unauthorised access onto The Green.
 - The dwelling would harm the amenities of No's 35 and 37A The Green in terms of privacy, outlook, overbearing impact and loss of light.
 - The proposal would lead to foul water drainage issues.
 - The proposal needs to ensure that there would be no light pollution.
 - The benefit of providing on dwelling would not outweigh its impacts.

13. Village Green Charity (Woodchurch HUB) - The charity oversees the upkeep and management of Woodchurch Village Green, over which the applicant is proposing to use a part of for the primary vehicular access in this development. They state that whilst they have no view on the principle of development, the applicant does not have any easements entitling them to vehicle access across the Village Green land. Although the applicant has recently been using the established pedestrian access to the West of their property for occasional vehicle use, this has been through permissive access by the Village Green Charity and not through any right of easement. They say that is not possible to grant an easement across the land without the said land first having been removed from the Town and Village Green (TVG) register. They note that whilst other properties along The Green do have vehicular accesses across the village green land, this is because otherwise they would be 'land locked'. They consider that this situation does not apply to the applicant who has access rights over the adjacent access road. Therefore, they object to the proposed access to the site.

14. They highlight that this access objection would be mitigated should the plans be amended to show vehicular access for this development to be via the entrance road to Place Farm, which lies on the south east side of their proposed parking area.

Neighbours

15. 7 neighbours were consulted on this application, as well as a site notice being put up and a press advert placed. 88 representations objecting to the scheme have been received in relation to this application, 75 of which were from the same resident. The representations raised the following concerns:
 - The proposal would appear cramped and harm the conservation area and Green heart of the village. Including views into and out of the conservation area.
 - The proposal would fail to preserve or enhance the conservation area.
 - The dwelling would harm the setting and views of the adjacent historic farmstead group and the adjacent listed building.
 - The submitted Heritage statement should be better.
 - The proposal would harm the amenities of adjoining occupiers in terms of loss of light and overshadowing.
 - The scheme would result in light pollution for adjoining properties and wider locality.
 - The proposed solar panels would create glare for adjoining occupier, even with anti-glare coating.
 - No. 35 The Green has a chimney which is not shown on the street scene elevation.

- An application was refused in 2009 for a bungalow adjacent to No. 41 The Green (south east of Place Farm) due to the visual impact on the conservation area and adjoining listed building.
- The proposed dwelling would have a similar internal area to that of No. 35 The Green. The proposal could be used to provide a greater number of bedrooms.
- The proposed dwelling would not be similar in height to No. 35 The Green.
- No. 37 The Green does not have permission to use the vehicle access over village green land. It was previously used as a pedestrian access.
- The vehicular access would continue to cause noise and odour issues.
- The proposed dormer windows, verandas and solar panels would be visually intrusive within the locality / conservation area.
- No details of tree surveys and protection provided.
- The area is abundant in wildlife and the proposal needs surveys to consider the local populations of Great Crested Newts, bats and other wildlife.
- The applicant needs to serve notice on owners of the access.
- Insufficient parking has been provided for the proposed dwelling and No. 37 The Green, leading to unacceptable on street parking taking place.
- The parking at the front of the site would appear incongruous.
- No segregation of pedestrians and vehicles in access off The Green.
- The adjoining access way only benefits right way / access to No's 37 and 37A The Green, Place Farm (No. 39 The Green) and Place Farm Barn, and not to any new dwellings.
- The site is not a garden but agricultural land.
- Any removal of permitted rights from any approved scheme would not ensure the protection of the area.
- The boundary between No. 35 The Green and the site not just a hedge but also a fence.
- Concern over the foul drainage of the proposed dwelling and the adjoining dwellings and surface water impacts.
- The proposed garden is not large enough.
- The proposal would set a precedent for other development within the area.

(Planning officer note – those material planning considerations / issues raised above will be addressed in the report).

Planning Policy

16. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action

Plan (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), the Charing Neighbourhood Plan (2023), and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

17. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

18. The Local Plan polices relevant 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
- HOU10 Development of Residential Gardens
- HOU12 Residential Space Standards (internal)
- HOU14 Accessibility Standards
- HOU15 Private External Open Space
- ENV1 Biodiversity
- ENV4 Light Pollution and Promoting Dark Skies
- ENV7 Water Efficiency
- ENV9 Sustainable Drainage
- ENV13 Conservation and Enhancement of Heritage Assets
- ENV14 Conservation Areas
- ENV15 Archaeology
- TRA3a Parking Standards for Residential Development
- TRA6 Provision for Cycling

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

Supplementary Planning Guidance/Documents

- Dark Skies SPD, 2014
- Residential Space and Layout SPD, 2011
- Sustainable Drainage SPD, 2010
- Residential Parking and Design Guidance SPD, 2010
- Landscape Character SPD, 2010

Neighbourhood Plans / Village Design Statements

- Woodchurch Village Design Statement - The guidelines within the Design Statement state:

“New buildings should have design features and use materials found in the village that are typically associated with local Kentish styles...”

“The height of houses should be in proportion to those prevalent in the village - generally no more than 5 metres to the eaves...”

“Window shapes and sizes should reflect styles characteristic of the village. Dormer windows should be either gable-ended or of hipped design and lie completely above the eaves line.”

“To retain the village character, the size of new houses should be in proportion to those prevalent in the immediate area of the village as should their relationship to the road and siting within their plots.”

“New developments should respect the sense of openness in the village and seek to protect important views. The green heart of the village in the area around the Green is crucial to the open character of Woodchurch in its Wealden setting. The views towards and from the Green should be preserved for future generations.”

Informal Design Guidance

- Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins
- Informal Design Guidance Note 2 (2014): Screening containers at home
- Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Government Advice

- National Planning Policy Framework (NPPF) 2023
- Planning Practice Guidance
- National Design Guide 2021
- Technical Housing Standards – nationally described standards
- Article 6(3) of the Habitats Directive; Habitats Regulations 2017

ASSESSMENT

20. The key areas for consideration in the assessment of this application are as

- Principle of Development
- Five Year Housing Land Supply

- Character and Appearance
- Residential Amenity
- Highway Safety
- Ecology & Trees
- Other material considerations

Principle of development

21. The site lies within the settlement confines of Woodchurch and is bounded by existing residential development. The proposal is of a relatively modest scale which ensures the proposal can be satisfactorily integrated into the existing settlement. Therefore, the proposal, provided it is compliant primarily with policies HOU3a (Residential Windfall Development Within Settlements) and HOU10 (Residential Development in Gardens), can be considered acceptable in principle. Policy HOU3a states:

“Policy HOU3a - Residential Windfall Development Within Settlements

Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines of the following settlements: ...Woodchurch...

Providing that the following requirements are met:

- 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. Where a proposal is located within, or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.*

Policy HOU10 will also be applied to relevant garden land applications.”

Policy HOU10 states:

“Policy HOU10 - Development of Residential Gardens

Development proposals involving the complete or partial redevelopment of residential garden land will be permitted provided the proposed development complies with the Council's external space standards as set out in Policy HOU15 and;

- a) Windfall Housing Policy HOU3a or HOU5 (as relevant);*
- b) It does not result in significant harm to the character of the area including the surrounding grain and built pattern of development, the prevailing building density, line, frontage width, building distance from the road, existing plot sizes and visual separation between dwellings; and,*
- c) It does not result in significant harm to wildlife corridors and biodiversity habitats.”*

These criteria are assessed in the following sections of this report.

Five Year Housing Land supply

- 22. The Council's latest Housing Land supply position 'Five Year Housing Land Supply Update July 2021' was published in November 2021 and covered the period from 2021 to 2026^[1]. The statement concludes that the Council can demonstrate 4.54 years' supply of land for housing.
- 23. Recent appeal decisions have found the housing land supply in a range between the July 2021 update and 3.5 years. With this being the case 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. 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.”*
-

24. The lack of 5 year housing supply means that the local plan policies are out of date, and as it is not considered that the proposal would detrimentally impact any designated heritage assets so as to warrant a refusal of the application (as detailed later in the report), it is considered that the tilted balance remains engaged and that there remains a presumption in favour of approving this development.

Character and Appearance

25. The application site comprises a partially enclosed parcel of land which is managed garden land with hedgerow boundaries. The site is a small area of open space within an otherwise built up part of the village with dwellings to the west, north and east, and forms a gap in the residential streetscape along the northern side of The Green. The development of the site would undoubtedly result in a change in the character of the application site and the loss of the said open space in this part of the conservation area.
26. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 seeks to ensure the Local Planning Authority have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. This is filtered down into policies ENV13 and ENV14 of the Local Plan and guidance contained in the NPPF.
27. Although the submitted Heritage assessment is lacking in places, careful consideration has been made by officers on the impact of the scheme on the setting of the adjacent listed building, the former adjoining farmstead and the character and appearance of the conservation area.
28. Place Farm is a Grade II Listed building and together with a number of outbuildings, including an oast house and barn, it formed a farmstead. The oast house and barn are probably C19 in date, which would make them much later additions to the farm and this together with their conversion to dwellings (the oast being No's 37 & 37A The Green and the barn being Place Farm Barn) means that they are of lesser significance than the main farmhouse. However, they are historic and are part of the surviving history of Place Farm. Their location, set back from The Green with the central access track is part of the setting of this former agricultural grouping and the area of open land in front of them does make a contribution to the character of this part of the conservation area. The proposal will impact to a degree on the open character of the area and will block some views of the buildings behind. However, gaps between the proposed dwelling and No. 35 The Green and the large open expanse of land in front of Place Farm to the east of the site, would retain significant views of the listed building and former oast house, especially when

entering the village and conservation area from the east, and also when leaving the village.

29. The special character of the conservation area is not just based on this farm grouping. To the west, along The Green are a number of dwellings, each set within sizeable plots and with a defined building line. Some, but not all of these are historic buildings and they are typically two storey, with white weatherboard, some red brick and tile hanging and steep pitched or hipped roofs with clay tiles. The property adjacent to this plot (No. 35 The Green) is slightly different in that it is a chalet bungalow, but still has white weatherboard cladding with some red brick and a steep hipped, clay tile roof. To the east of the site is the edge of the village, with less dense development along the boundary with the open countryside beyond.
30. The existing chalet bungalow No. 35 The Green and this site are in front of the former oast, within what may have been historically land associated with the former farmstead. The application site is not considered to be agricultural land. Whilst that may have been the case historically (although even that is not certain), the site has been used as a residential amenity area for a considerable period of time (well in excess of 10 years) and therefore the lawful use of the site is not agricultural. The partial infilling of the said open space by No. 35 The Green has diminished the value of this small area of open space, and left a small area of land enclosed by residential development and roads / access ways. I believe that the proposal would constitute an appropriate infill site within a residential streetscape and the new house would form an extension of the linear pattern of development along The Green and would be in keeping with the established streetscape and plot pattern of the neighbouring properties. I also consider that the visual impact of the proposal on the wider conservation area would be reduced to a degree due to the overall size of the development site and the screening provided in part by the aforementioned residential development to the north and west.
31. The current proposal for a chalet bungalow is significantly reduced from the previously proposed house schemes at the site and is a reasonable reflection of the more modern bungalow adjacent, in terms of scale, details and materials (to be finalised and agreed via condition – including joinery details). Its siting within the plot continues the established pattern of development to the west, along The Green frontage. So, in this direct comparison, it will not appear out of keeping with its neighbour. In relation to the proposed parking area, this will be screened by existing hedgerows and further landscaping could provide additional screening. Therefore, I do not consider that the proposed parking provision would appear intrusive within the area. Furthermore, the degree of separation between the proposed dwelling and the properties to the rear combined with the limited scale and height of the proposed dwelling would ensure that the proposal would not appear cramped in the locality.

32. I consider that the proposed bungalow will have some impact on the setting of the adjacent listed building and the non-designated heritage assets and it will result in the loss of some of the open character of the street scene. However, the proposed development also respects and reflects the established and historic development to the west and therefore would preserve the special character of the conservation area.
33. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. The scale, design and palette of materials would respect and complement the built development in the conversation area and the use would be compatible with the nearby residential uses.
34. Therefore, on balance the loss of this small area of open space is considered acceptable and views within and in / out of the conservation area would not be unduly affected, and the proposed scheme would not warrant refusal in heritage terms. As a result the proposals are considered to be in accordance with policies SP6, HOU3a, HOU10, ENV3a, ENV13 & ENV14 of the adopted Local Plan and paragraph 130 of the National Planning Policy Framework.

Residential Amenity

Impact on existing residents

35. As previously highlighted within the report the proposed dwelling would respect the building line of properties to the west in The Green, and would be built within the depth of the adjoining property to the west (No. 35 The Green). The location of the proposed chalet bungalow combined with its limited height and scale would mean that the new building would not harm the front or rear facades of No. 35 The Green. Nor would it detrimentally impact the external rear private amenity area of No. 35 The Green.
36. Site visits confirmed that No. 35 The Green does have some habitable room windows at ground floor level and in the roof space within its eastern flank elevation. However, I consider that as a result of the orientation and degree of separation between No. 35 The Green and the proposed dwelling (minimum of separation of 7.8m), combined with the limited height of the building and the fact that the western roof slope of the proposed dwelling would slope away from No. 35 The Green and does not contain any windows, the scheme would not detrimentally impact the amenities of the occupants of No. 35 The Green in terms of overlooking, loss of light or overbearing impact. The views afforded to the upper floor flank window of No. 35 The Green would be affected, however it is a recognised fact in legislation that properties do not have a right to a view.
37. The limited scale of the proposed chalet bungalow and degree of separation of the proposed dwelling and the adjoining properties to the rear (No's 37 and 37A

The Green) and Place Farm (No. 39 The Green) to the north east of the site, would also ensure that the proposed building would not appear overbearing or detrimentally affect the light received by any other residential neighbour either. Once again although the proposed dwelling would affect the views of the occupiers to the north of the site, those properties do not have a right to a view in legislation. I would also highlight that the occupiers of No. 37A would still be able to enjoy long range views over the front open space in front of Place Farm. The proposed chalet bungalow would have a rear dormer window which would be separated from No. 37A The Green by approximately 21m. This degree of separation is considered to be an acceptable separation distance between facing habitable rooms, which would ensure that there would no unacceptable loss of privacy between the dwellings. The main private amenity space for No. 37A The Green is to the rear of the property, so again I do not consider that the proposal would create any privacy issues for the adjoining occupiers in this regard either.

Living conditions of the future occupants

38. Regard must also be had to whether the proposed development would provide high standard of amenity to the future occupants. The proposed dwelling together with individual rooms, would be of a good size, whilst all habitable rooms would be afforded acceptable natural luminance and outlook. The dwelling would meet the Nationally Described Space Standards in accordance with Local Plan policy HOU12. I also consider that the dwelling would have adequate external private amenity area provision, and No. 37 The Green would retain an acceptable level of private amenity space provision as well. As such, the living conditions of future occupiers would be acceptable. It would therefore comply with policy HOU15 of the local plan and paragraph 130 of the NPPF.

Highway Safety

39. Policy TRA3(a) requires developments to provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It requires 2 and 3 bedroom dwellings to be provided with 2 car parking spaces. The said spaces should be independently accessible and garages are not considered to provide acceptable car parking spaces. The proposal would provide 3 car parking spaces for the new dwelling and adequate manoeuvring space to turn around within the site. Therefore, there the proposal would comply with the local plan parking requirements. The scheme would also ensure that No. 37 would be provided with two off street parking spaces (one in the application site and one within land owned by the applicant). This would also ensure that the appropriate levels of off street parking provision would be afforded for No. 37 The Green which is a 3 bed property.
40. I am satisfied that No. 37 The Green has rights over the access way to the east of the site to be able to utilise its parking spaces. With regard to the vehicular access to the proposed dwelling off The Green, issues have been raised in relation to ownership and access rights. During the process of the application it became apparent that the access off The Green was not owned by the applicant

and following consultation with the officers the applicant served the notice on the registered owners of the land. Representations have stated that there is not permission to be a vehicular access in this position, however, historic aerial photos show that a form of vehicular access has been in situ apparently for No. 37 The Green as far back as December 1990. Given the length of time there has been a vehicular access in this location onto The Green and given the said access would only serve one dwelling, I do not believe that the proposal would lead to an over intensification of use of the access and would not therefore create conditions prejudicial to highway safety.

41. The access appears to be lawful in planning terms as a result of the length of time it has been in situ. However, as to the access rights over the said access and land owned by the Village Green Charity, it has been indicated that the applicant has no easements over this access / land. It is important to avoid a situation of a property being built and subsequently becoming land locked without a legal access. Therefore, a condition should be imposed upon the permission requiring confirmation of the legal access rights being granted to the site / applicant before any works on site. Also a condition requiring the access to be constructed and completed prior to the dwelling being erected on the site.

Ecology and Trees

42. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected.
43. KCC Biodiversity have been formally consulted on the application. Although no ecological surveys have been provided, the fact that the site comprises a well managed garden which is predominately mown grassland and a large gravel driveway and the site is surrounded by hard standing / roads on two sides, ensures that the proposed development has limited potential to impact upon protected species and their habitats. KCC Biodiversity have no objection to the proposal subject to the inclusion of an ecological enhancement condition and a nesting bird informative within any permission, both of which are included within the recommendation section of the report. In light of the above, the impact on ecology is considered acceptable.
44. The application site contains a variety of garden planting (including shrubs and other planting). The proposal would result in a loss of some vegetation on the site and therefore the proposal should provide an opportunity to provide some new planting including potentially some new small to medium scale trees within the site. The exact landscaping details could be secured by way of a condition. There is a Horse Chesnut tree in front of the site on the grass strip of land which

forms part of the wider village green. The proposed dwelling would be located a significant distance to the north of the said tree and would not detrimentally harm the said tree. Overall, no significant effects are envisaged on the nearby trees as a result of the proposed works. Therefore, the impact on existing trees is considered acceptable.

Other Material Considerations

Drainage

45. Given the limited scale of the proposal (i.e. one 2 bedroom chalet bungalow), I believe that issues relating to drainage both foul and surface water could be dealt with via condition.

Archaeology

46. KCC Heritage are satisfied that the proposal would be acceptable in archaeological terms subject to archaeological works and findings being agreed by way of a condition.

Human Rights Issues

47. 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).

Conclusion

48. Considering the context of the site and its surroundings the proposed chalet bungalow property is considered acceptable under policy HOU3a.
49. The proposal would constitute an appropriate infill development within a predominantly built up streetscape and would be in keeping with the surrounding grain of development, plot pattern and the character and appearance of the adjoining residential development.
50. The loss of the small area of private open space would not harm the character and appearance of the conservation area and setting of the adjacent listed building, with the character and appearance and views of the conservation area and listed building being conserved. Even if there was considered to be any harm this would very much be at the lower end of less than substantial

and the public benefits of an additional house is considered to outweigh any limited harm.

51. The design, siting, scale and palette of materials would complement the immediate and wider streetscape and the dwellings would fit comfortably within the plot with policy compliant garden areas and internal living standards.
52. No residential amenity, highways safety, tree or ecology objections area raised. Similarly there would be no drainage or archaeological concerns.
53. In light of the above assessment I am satisfied that the proposed development would comply with the requirements of Development Plan policy and Central Government guidance and not result in unacceptable harm. I therefore recommend that planning permission is granted.

Recommendation

Permit

- A. 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

1. 3-year standard time-limit condition
2. Approved plans condition
3. Construction management plan
4. EV charging point
5. Unexpected contamination
6. Parking and turning space to be provided (new dwelling & No. 37 The Green)
7. Bicycle storage
8. Bin storage
9. External lighting
10. Sustainable drainage scheme
11. Foul drainage details
12. Material samples
13. Archaeology
14. Hard and soft landscaping scheme
15. Details of all walls, fences and boundary treatments
16. Details of the vehicular access
17. Remove PD rights (Classes A - E of Part 1 and Class A of Part 2 of

- Schedule 2 of the GPDO 2015 – as amended)
18. Biodiversity enhancement scheme
 19. Construction of access & confirmation of legal access rights prior to the erection of the dwelling

Notes to Applicant

1. Working with the Applicant
2. Climate Change
3. 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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference //AS)

Contact Officer: Matthew Apperley
Email: matthew.apperley@ashford.gov.uk
Telephone: (01233) 330237