

Application Number	PA/2022/2784
Location	70, Lower Vicarage Road, Kennington, Ashford, TN24 9AS
Grid Reference	Easting (601668) Northing (145070)
Parish Council	Kennington
Ward	Kennington
Application Description	Proposed demolition of existing bungalow and erection of 3 new dwellings
Applicant	Rich and Brown Developments Ltd
Agent	Mr Dan Town, OSG Architecture Ltd, Unit 2A Capital House, 4 Jubilee Way, Faversham, ME13 8GD
Site Area	0.159 hectares

Introduction

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

Site and Surroundings

2. The application site comprises an existing two bedroom detached bungalow set within a spacious plot. The site is located on the northern side of Lower Vicarage Road, almost opposite the junction with Glebe Way. The site is located in Kennington.
3. The site has an existing vehicle access with a driveway the runs to the side of the property. A garage was previously located in the rear garden but this was demolished in the last few years and no longer exists. There is a low brick wall that runs along the front of the site with a gate that allows pedestrian access to the dwelling.
4. There are a mixture of property types and sizes in the immediate area. The existing properties to the immediate west of the site (Nos. 72 and 74) comprise a pair of semi-detached bungalows whereas the existing properties to the immediate east of the site (No. 68) consist of a pair of detached two storey dwellings that were approved in the 1980s.

5. The front building line of the existing bungalow sits in line with the forward most parts of the semi-detached bungalows to the west at Nos. 72 and 74; however it sits significantly forward of the detached two storey dwelling at No. 68.
6. The site measures 0.159 hectares in size.
7. The site is not subject to any landscape restrictions.
8. The site is located in Flood Zone 1 with the lowest risk of flooding.
9. The site is within the Stour catchment.



Figure 1: Site Location Plan

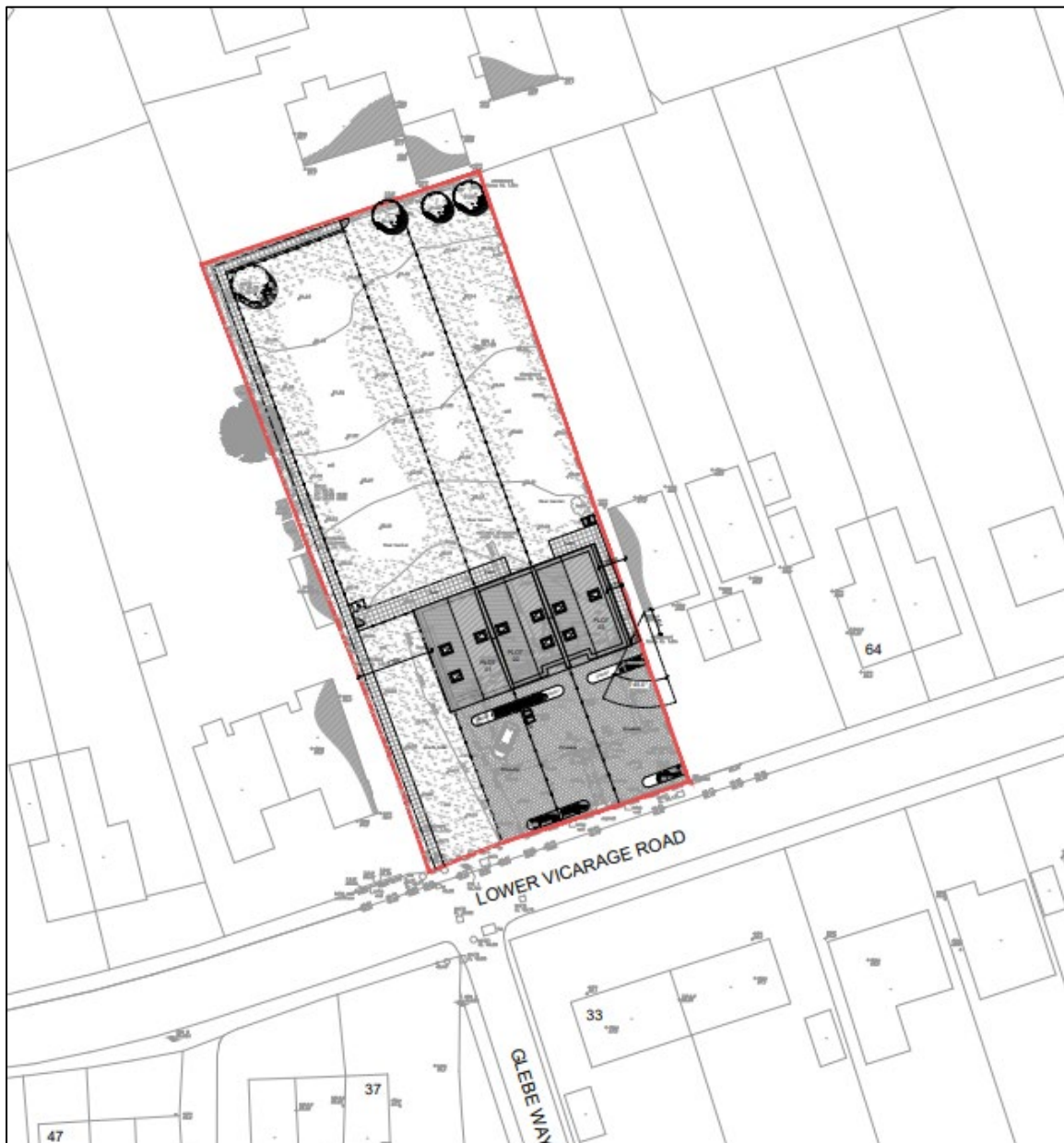


Figure 2: Proposed Block Plan

Proposal

10. Planning permission is sought for demolition of existing bungalow and erection of 3 new dwellings.
11. The proposed dwellings would be in a small row of three and would be two storeys in height with hipped roof designs.
12. The ground floor areas of the proposed dwellings would include an open play kitchen / dining room with access to the rear, a separate living room, a W.C and

storage areas. The first floor areas would include two double bedrooms (one with en-suite bathroom), a single bedroom and a separate bathroom.

13. The proposed external facing materials would include a mixture of white render, black weatherboarding, slate roof tiles, grey uPVC windows and aluminium doors.
14. The proposed dwellings would include a large area of block paving at the front to allow off-street parking. The existing access would be utilised and a new access would be created towards the eastern side.



Figure 3: Existing Bungalow

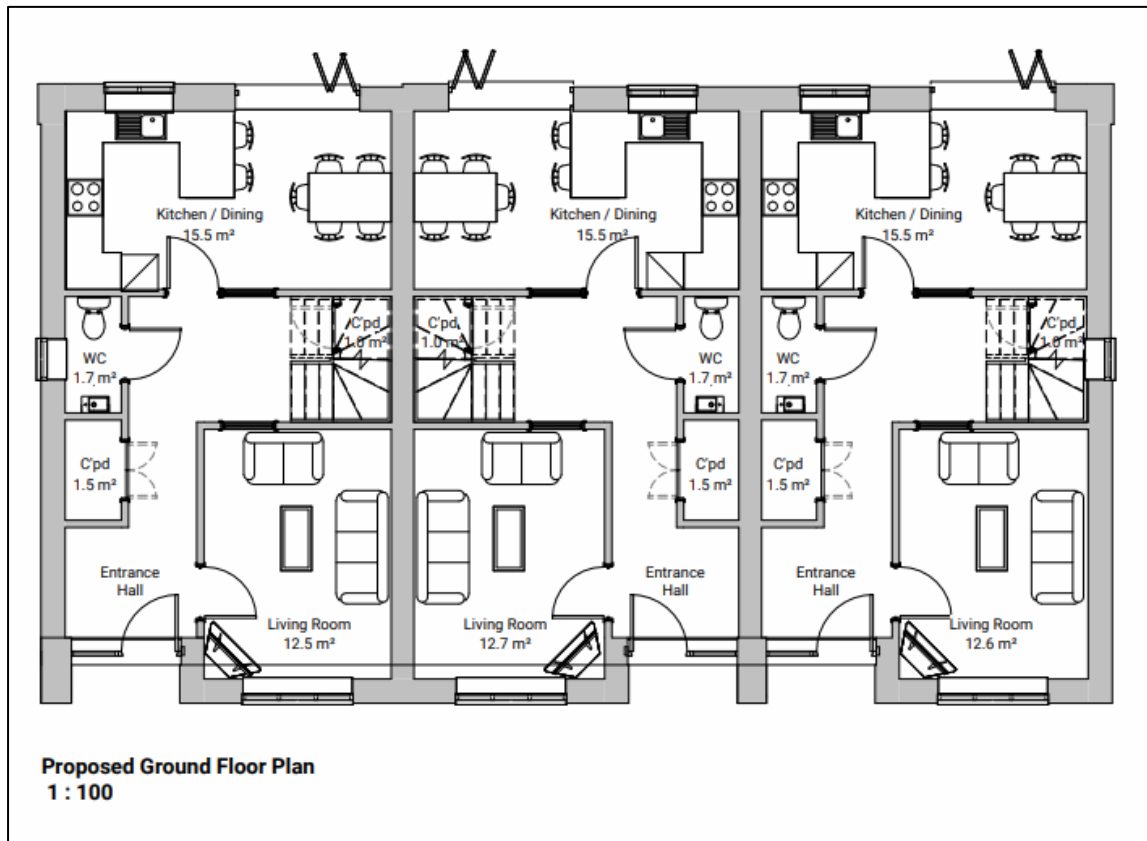


Figure 4: Proposed Ground Floor Plans

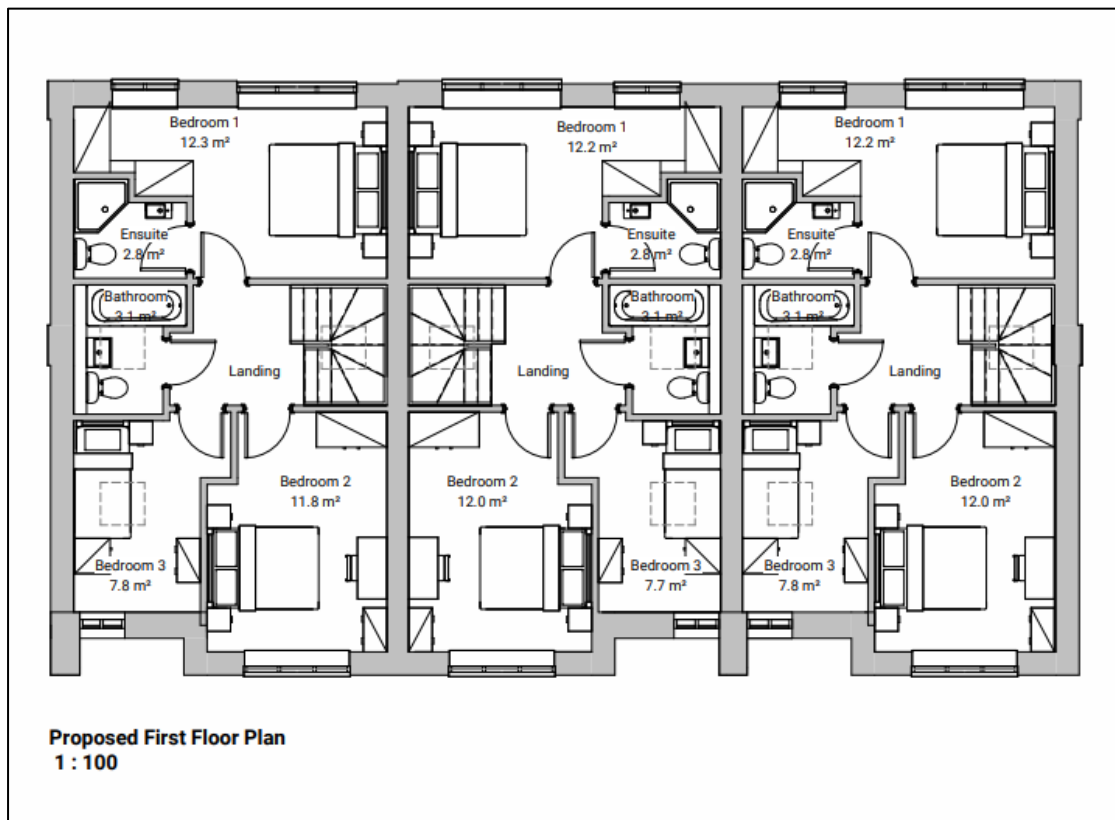


Figure 5: Proposed First Floor Plans



Figure 6: Proposed Front Elevations



Figure 7: Proposed Front Elevations



Figure 8: CGI of Front of Site



Figure 9: CGI of Front of Site

Planning History

03/01184/AS – Proposed bungalow (to rear). Refused and dismissed at appeal.

Consultations

Ward Member: Cllr Nathan Iliffe has requested for the application to be determined at Planning Committee.

Kennington Community Council: Object. The following (summarised) comments have been provided:

- Overdevelopment;
- Overcrowded;
- Out of character;
- The dwellings to the rear of the site will further reduce the available garden space;

OFFICER NOTE: The dwellings to the rear have been removed under the current amended scheme.

- Additional cars at Lower Vicarage Road/Glebe Way junction;
- Impact on already congested road;
- Loss of on-street parking;
- The footprint of the houses appears much larger than the existing bungalow;
- Proximity to neighbouring properties;
- Loss of daylight;
- Overshadowing from properties to rear;

OFFICER NOTE: The dwellings to the rear have been removed under the current amended scheme.

- Inappropriate development of residential gardens;
- There should be a maximum of 2 houses spread over the plot to ensure that further over development cannot happen and further development is not possible.

KCC Highways and Transportation; This development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

KCC Economic Development; Contributions are sought from the proposal.

Neighbours: 17 consulted; 10 letters of objection from individuals received in total:

- Conflict between plans and proposed depth of rear garden;

OFFICER NOTE:

Ashford Borough Council - Report of the Assistant Director-Planning & Development
Planning Committee 8th November 2023

- Concerns regarding siting of trees adjacent to rear fence of Broadhurst Drive due to potential height and spread impacting daylight received;

OFFICER NOTE: This matter can be addressed within an appropriately worded landscaping plan condition.

- Concerns regarding siting of trees adjacent to rear fence of Broadhurst Drive due to potential height, spread and root growth (impacting foundations);
- Out of character due to design;
- Lower Vicarage Road consists of a variety of conventional brick built houses and older cottages;
- Overdevelopment of site;
- Out of keeping with semi-detached and detached houses;
- The height of the houses are not in line with others;
- Loss of privacy for neighbours;
- Reduction in light received at No. 66;
- The junction from Lower Vicarage Road to Glebe way causes traffic problems already;
- Lower Vicarage Road is already chaotic during the school run traffic and cars parking on the pavements;

OFFICER NOTE: This specific problem is at very set times of the day during term time only.

- Impact on light to kitchen and dining room/lounge at No. 68 due to proximity to boundary. There is only one window high window to the dining area.

OFFICER NOTE: This has been covered under the residential amenity section of the report.

- Overdevelopment of the site;

OFFICER NOTE: The dwellings to the rear have been removed under the current amended scheme and the proposal has been reduced from 5 hours to 3 hours only.

- Loss of on street parking;
- Cars will be forced to park on the other side of the road and this may cause an accident when turning from Glebe Way;
- Parking is already a problem;
- Potential for 12 cars causing a danger to all the children walking to and from the local school;
- There are already accidents on this road involving traffic coming into and out of Glebe Way onto Lower Vicarage Road;
- The description of houses in the area is inaccurate. There are only two types of houses in Rookery Close, which are detached, either half brick with tile hung upper floor, or half brick with the upper floor as mock Tudor. In Broadhurst Drive there is a mixture of detached houses and bungalows, and only a few houses have any wood cladding

- The new plans appear to leave a patch set to lawn. Who looks after that lawn, it doesn't seem to belong to anyone?

OFFICER NOTE: This matter can be addressed within a landscaping plan condition.

- Concerns there will still be a future application for housing at the rear;

OFFICER NOTE: This is speculation only. Any future application would be determined on its merits.

- The artist impression gives a much distorted picture of the amount of space for the parking of cars and also of the width of the driveway to the rear, who is this space for, it does not lead anywhere?
- Impact on neighbouring solar panels;
- The parking areas at the front seem exaggerated;
- Concerns regarding surface water drainage and the proposed soakaway might not be sufficient;
- They have already started clearing the site.

Planning Policy

15. 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).
16. 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)

17. 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

ABC Climate Change Guidance 2023

Government Advice

National Planning Policy Framework (NPPF) 2021

- Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the NPPF. The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 – Presumption in favour of sustainable development.

- Paragraph 47 – Determination in accordance with the development plan.
- Paragraph 59-76 – Delivering a sufficient supply of homes.
- Paragraphs 91-95 – Promoting healthy and safe communities.
- Paragraphs 102-107 – Promoting sustainable transport.

- Paragraphs 117-121 – Making effective use of land.
- Paragraphs 124-132 – Achieving well-designed places.
- Paragraphs 148-165 – Meeting the challenge of climate change and flooding.

National Planning Policy Guidance (NPPG)

Technical Housing Standards – Nationally Described Space Standards

Assessment

18. The main issues for consideration are:
- a) Principle of Development and Visual Amenity
 - b) Residential Amenity
 - c) Highway Safety
 - d) Sustainability
 - e) Stodmarsh

Principle of Development and Visual Amenity

19. The site falls within the built-up area of Kennington. Therefore, 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.
20. The above is consistent with Strategic Policy SP6 which requires development proposals to be of high-quality design and demonstrate careful consideration of, and a positive response to, character, distinctiveness and sense of place.
21. NPPF Paragraph 130 states that planning policies and decisions should ensure that developments add to the overall quality of the area. They should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should be sympathetic to local character and should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
22. The proposed development would result in a small terrace of 3 dwellings replacing the existing bungalow. Whilst the loss of the existing bungalow is regrettable, there are no specific policies in place within the Local Plan to protect these types of houses from demolition.
23. The proposed dwellings would have a contemporary appearance through the use of a combination of white render, black weatherboarding and slate roof tiles, together with the hipped design of the roofs. It should be noted that there is a mixture of dwelling types and sizes in the immediate vicinity of the site. This mix of properties includes semi-detached bungalows, chalet bungalows, semi-detached houses, two-storey detached dwellings, small terraces of 3 houses and slightly longer terraces of 5 dwellings. Taking into account the prevailing character of the area, it is considered the proposal would be compatible with its surroundings. In respect of the use of materials, it is noted that the houses in the area are finished in a range of finishes including render and bricks with plain tile roofs, tile hanging, slate roof tiles and some weatherboarding.
24. The proposed dwellings would be positioned further back into the site than the existing bungalow. This would not only allow sufficient parking to be provided at the front, but it would improve the relationship with Nos. 66 and 68. These neighbouring properties are currently set back by themselves; however the proposed layout would introduce a more staggered building line. This is a large site that is capable of accommodating more than one dwelling and it is considered this has been done in a sensitive manner. There are other properties along Lower Vicarage Road that are set back from their neighbours; therefore it is considered this arrangement would not unduly impact the character and appearance of the area. It is recommended that a condition be imposed regarding a landscaping plan, which shall include but not limited to the details of proposed new planting at the site, including at the front in order to break up the expanse of proposed block paving for car parking. Details shall also be included in relation to the management details for the amenity area to the side of the proposed dwellings.
25. The proposed dwellings would be set away from the western boundary of the site by over 7m. This would not only maximize the gap between the proposed

built form and existing bungalow to the west, but it would crucially avoid the existing drainage covenant along this part of the site. Although the proposed dwellings would be closer to the eastern boundary of the site with No. 68, an appropriate gap would still be maintained that would be similar to other properties along the road. The proposed dwellings would not project past the rear building line of No. 68 and would also present a more open frontage for this house as a result of the re-positioning. Given the overall size of the site the proposed development would not appear too cramped and it is considered that a spacious feel would be maintained overall, particularly through the roof style of the proposed dwellings that would also help to retain a sense of openness from the gap between the roofs.

26. Having regard to the above, it is considered that the design of the proposed development would be of a good standard and would not detract from the pattern of the development within the wider area. It would positively contribute towards the improvement of the existing built environment. Therefore, the proposal would comply with policies SP6, HOU3a of the Local Plan and paragraph 130 of the National Planning Policy Framework.
27. The proposal would provide large gardens to the rear for the future occupiers. It is recommended that a condition be imposed to secure ecological enhancements as part of the approved scheme.

Residential Amenity

28. Strategic Policies SP1 and SP6 promote high quality design that responds positively to its surroundings.
29. NPPF Paragraph 130(f) requires for development to achieve a high standard of amenity for existing and future users.
30. 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.
31. With regards to potential privacy and overlooking of neighbouring properties, there would be one ground floor side facing window for each of the end dwellings as well as two side facing roof lights on the western end proposed dwelling and one side facing roof light on the eastern end proposed dwelling. The ground floor windows would serve a W.C and a stairwell and the roof lights would serve a bathroom, stairwell and secondary window to bedroom 3. It is recommended these windows be obscure glazed (privacy level/grade 3 or higher) to mitigate against any perceived loss of privacy or overlooking.
32. The provision of two storey dwellings in place of the existing bungalow would result in new windows being introduced at the rear at first floor level. Whilst these would be likely to result in some overlooking of the adjacent gardens compared to what currently exists at the site, this would not be any worse than what would typically be expected in a built up residential area.

33. In terms of outlook, enclosure and impact on daylight/sunlight, the proposed dwellings would be positioned over 7m away from the shared boundary with the existing bungalow at No. 72. The orientation of the neighbour in relation to the site would be favourable in terms of any impact on daylight/sunlight received to this property.
34. The proposed dwellings would not encroach past the rear building line of No. 68 and, whilst being sited only 1.4m away from the shared boundary, the proposal would provide a more open and spacious feel at the front due to the demolition of the existing bungalow that sits entirely in front of this house. The 45 degree line from the midpoint of the ground floor and first floor windows at the neighbouring property would not be breached. It is acknowledged there is an existing high window (and door) to the side of No. 68 that serves a dining area and faces towards the site; however this appears to be part of a wider room that has additional windows to the rear. Whilst there would likely be some reduction in natural daylight, this is a side window and as such, it is not considered that it would result in unacceptable loss of light to warrant a refusal on this basis.
35. On balance, no significant or unacceptable harm to the residential amenity of the adjacent neighbouring residents would result from this development.

Highway Safety

36. Policy TRA3a requires three-bedroom dwellings to provide two parking spaces per unit.
37. Policy TRA7 relates to 'The Road Network and Development' states that new accesses and intensified use of existing accesses onto the road network will not be permitted if a clear risk of road traffic accidents or significant traffic delays would be likely to result. It also states that proposals that would generate levels and types of traffic movements, including heavy goods vehicle traffic, beyond that which local roads could reasonably accommodate in terms of capacity and road safety will not be permitted.
38. NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
39. A large area of block paving would be provided at the front of the site to enable sufficient parking for each dwelling in line with policy requirements. Whilst vehicles may be required to reverse onto the road on occasions, it is not considered that the overall impact on highway safety would be harmful enough to warrant refusal on this basis. There appears to be other properties along the road where cars are required to reverse out, or they reverse in from the road. It is also likely this would have previously occurred at the site given the narrow width of the existing driveway.

40. The existing access at the site would be utilised by one of the proposed dwellings and a new shared access would be provided for the other two units. The new access would be positioned further away from the junction with Glebe Way and would result in the loss of some on street parking. Whilst this is regrettable, the proposed arrangement is considered acceptable.
41. Details of cycle storage could be secured by way of a planning condition. Furthermore, a condition for securing EV charging points for the dwellings is recommended to be attached to the permission.
42. For the above reasons, subject to appropriately worded condition, the proposed development is considered acceptable from a parking and highway safety perspective.

Sustainability

43. The application was submitted prior to the Council's Climate Change Guidance for Development Management being approved. However, conditions are recommended to ensure solar pv panels, electric vehicle charging points and water butts are secured as part of the proposed development.
44. Kennington is a district of Ashford considered to be in a sustainable location for new development with good accessibility to local transport links and other facilities.

Stodmarsh

45. 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.
46. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, subject to an Appropriate Assessment prior to any decision to grant planning permission.
47. The site falls within the Stour catchment area and it is proposed to connect to the mains sewer drainage network, which discharges the foul water into Ashford Bybrook Wastewater Treatment Works. The applicant has submitted a Nutrient Assessment (dated 03/05/2023) and associated nutrient load calculations.
48. 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.

49. 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.
50. 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.
51. 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 Assistant Director - 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.

Human Rights Issues

52. 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

53. 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

54. In conclusion, the development plan allows for infill development within the built confines of Ashford. The proposal will provide 3 family homes and contribute to the 5-year housing land supply. It is considered that the proposed development, by virtue of its scale, design, form, and materials, would not be out of character or appear unacceptably cramped in the context of the surrounding development in the locality. Therefore, it would not cause harm to the character and appearance of the street scene. Furthermore, the proposal would cause no harm to the residential amenity of the neighbouring occupants or the highway safety. It would therefore comply with the local planning policies and the NPPF.

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.**
1. 3 years
 2. Approved plans
 3. Material samples to be provided
 4. Obscure glazing to side windows / roof lights
 5. Vehicle parking to be retained
 6. 1 EVCP to be provided to each dwelling
 7. Solar panels to be provided
 8. Water butts to be provided
 9. Bicycle storage and bin storage enclosures to be submitted for approval
 10. Landscaping scheme (to include hard and soft landscaping details)
 11. Ecological enhancements
 12. Sustainable drainage to be provided
 13. Remove PD rights for roof spaces

14. Remove PD rights for Classes A, B, and E.

Notes to Applicant

1. Working with the Applicant
2. Asbestos regulations
3. Code of practice hours - noisy construction/demolition activities

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 PA/2022/2784)

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