

Application Number	19/00941/AS
Location	Peniel, Bethersden Road, Smarden, Ashford, Kent, TN27 8QU
Grid Reference	588165 141428
Parish Council	Smarden
Ward	Smarden
Application Description	Demolition of the existing dwelling, detached garage and storage buildings and replacement with 2 no. detached dwellings with associated landscaping and parking
Applicant	Mr Dodd and Ms Minter
Agent	Price Whitehead
Site Area	0.16 hectares
(a) 2 /3R & 7S	(b) Parish Council – X (c)

Introduction

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

Site and Surroundings

2. The application site is located within a rural area to the south of Smarden village. The site is located approximately 950m from the southern edge of Smarden village. The site is therefore classed as open countryside and is located outside the village confines of Smarden. The site is located in the Low Weald Haffenden Quarter Farmlands Landscape Character Area and the key characteristics of the landscape are flat to gently undulating landform, mixed land use, varied field pattern, hedgerow enclosed pasture with oak hedgerow trees, traditional timber framed buildings and converted farm Buildings.
3. The pattern of development along Bethersden Road to the south of Smarden is predominantly linear. The building typology is very mixed, with detached and semi-detached bungalows, chalet bungalows and two storey dwellings. The site is part of sporadic non-continuous ribbon development to the south of the built confines of the village.

- The application site contains a detached bungalow with a steeply pitched roof, and a detached timber double garage and workshop building to the rear of the house. To the front of the house is a small enclosed front garden. Vehicle access and a drive to the side / north of the house provides access to the rear garage / parking area.



Figure 1 - Site location Plan

Proposal

- Demolition of the existing dwelling, detached garage and storage buildings and replacement with 2 no. two-storey detached dwellings with associated landscaping and parking. The dwellings would have a linear layout with frontage onto Bethersden Road. The existing vehicle access would be used for Plot 1 and a new vehicle access is proposed for Plot 2. Parking for 3 cars would be provided at the front of each house. The houses would have a traditional appearance finished in facing brickwork, tile hanging, weatherboarding and clay roof tiles.



Figure 2: - Proposed block plan

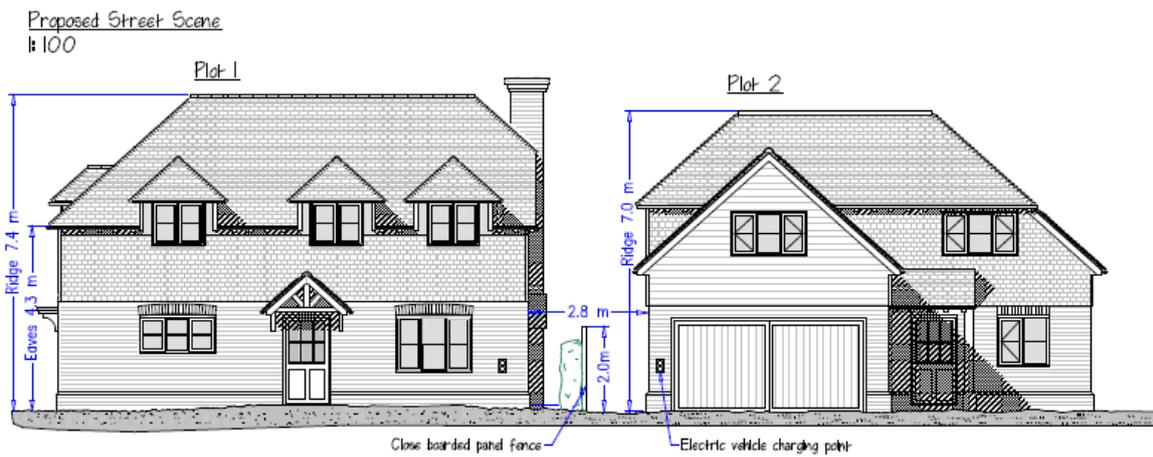


Figure 3:- Streetview

Planning History

No relevant planning application history for this site.

Consultations

Ward Member: Cllr Mullholland has requested that the application be determined by the planning committee.

Parish Council: Raise no objection provided an overlooking dormer window has frosted glass.

KCC Ecology – Request further information regarding great crested newt mitigation area.

Shenley Farms Aviation: Commenting - The development is in close proximity to the aerodrome and noise associated with aviation activity will be apparent.

Neighbours: 2 neighbours originally consulted. 3 objections and 7 letters of support have been received as summarised below:

Support:

- Visual improvement
- Infill rather than greenfield
- Family housing is needed
- More housing would benefit the school and pre-school

Objections

- Not enough space on the site for two houses.
- Additional traffic.
- Additional noise.
- Enough housing development already in Smarden and there is no need to for additional development here.
- This is an incongruous form of development contrary to the established character and pattern of development along Bethersden Road and would be harmful to the visual amenity of the area.

Planning Policy

6. 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) and the Kent Minerals and Waste Local Plan (2016).
7. 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).

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

SP1 – Strategic Objectives

SP2 – Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU5 - Residential windfall development in the countryside

HOU10 – Development of Residential Gardens

HOU12 - Residential space standards internal

HOU14 – Accessibility standards

HOU15 - Private external open space

TRA3a - Parking Standards for Residential Development

TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Dark Skies

ENV9 - Sustainable Drainage

9. 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

Sustainable Drainage SPD 2010

Landscape Character SPD

Dark Skies SPD

Government Advice

National Planning Policy Framework (NPPF) 2019

10. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
11. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. Paragraph 78 of the National Planning Policy Statement advises to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
13. Paragraph 79 states planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality
14. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is

essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

National Planning Policy Guidance (NPPG)

15. Technical housing standards – nationally described space standards

Assessment

Housing Policy

16. The application site is located in the open countryside approximately 950m from the southern edge of Smarden village. There are no roadside public footpaths connecting the site to the nearest settlement. There is no street lighting and traffic speeds along this section of Bethersden Road are 40 mph.
17. This application falls to be considered under policy HOU5 of the Local Plan 2030 which covers proposed windfall housing developments located outside the built up confines of settlements, i.e. in the open countryside. Policy HOU5 is set out in two sections:
- Proposals for residential development adjoining or close to the existing built up confines of specified (sustainable) settlements (including Smarden).
 - Residential development elsewhere in the countryside.

18. The pre-text to policy HOU5 sets out the locational criteria which needs to be met in order for a site to be considered under the first section of HOU5 and requires new housing development to be easily and safely accessible on foot to the village facilities. In this regard paragraph 6.58 sets out suitable maximum walking distances and states:
19. *'Although some reliance on the private car is inevitable in rural locations, the availability of good public transport links, cycling and walking routes can help to reduce that reliance and enable better accessibility to services that may only be available in higher-order rural settlements or Ashford itself. Basic day to day services such as a grocery shop, public house, play / community facilities and a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable, although the specific local context may mean a higher or lower distance would be a more appropriate guide'.*
20. The application site is located 1.1km from the local pub, 1.45km to the primary school, 1.3km to the village butchers shop and 1.6km to a recently approved community hall / shop.
21. Given the distance to the nearest services, and more importantly the absence of a safe pedestrian roadside public footpath along Bethersden Road between the site and Smarden village, the proposal would be contrary to the first section of policy HOU5 which requires new housing to be located in sustainable locations in terms of access to the nearest settlement/services.
22. The agent has demonstrated slightly shorter distances between the site and Smarden but this route would make use of PROW AW195 which is a rural footpath crossing fields and, is not considered to be an acceptable everyday route for access to the village. PROW AW195 is not lit and would not be a suitable route during the winter / wetter months. Notwithstanding this the route via AW195 would still be more than 800m as required under policy HOU5.
23. Given the above the application site is not considered to be a sustainable or suitable location for additional housing and would be contrary to policy HOU5.
24. In terms of assessment under the second part of HOU5 the proposal must meet at least one of the criteria set out in the policy. The proposal would not meet any of the relevant criteria in the second part of policy HOU5 for the following reasons:
 - The proposal is not for an essential need for a rural worker.
 - The proposal does not involve a heritage asset.
 - The proposal does not involve the re-use of redundant or disused buildings.
 - The proposed design is not considered to be truly outstanding and innovative.
 - This is not a one for one replacement dwelling

25. The proposal would also be contrary to policy HOU10 (Development in Residential Gardens) as policy HOU10 requires housing developments to be located in sustainable locations in accordance with policy HOU5.
26. Given the above assessment and location of the site the proposal would be located in an inappropriate and unsustainable location for new housing contrary to policy HOU5 and HOU10. The proposed development would result in additional housing in an unjustified and unsustainable location in the countryside where there would be a reliance on the private motor car for access to shops and day to day services.

Design

27. The proposal seeks to replace a modest three bed bungalow with 2no. two-storey 4 bed houses.
28. The footprint of each house would be significantly larger than the neighbouring properties and there would be minimal spacing (approx. 2.25m) between the two houses and minimal spacing between the each house and shared boundary, approximately 2m for Plot 1 and 1.3m for Plot 2. The minimal spacing coupled by the additional height and bulk of the two-storey houses would create a cramped form of overdevelopment that would not sit comfortably on this rural plot and would therefore cause detrimental visual harm to the character of the streetscene and rural setting. The density of the proposed development is therefore not considered to be appropriate for the size / width of the application site and would be out of keeping with the density of the smaller linear pattern of development along the east of Bethersden Road immediately adjacent the application site.
29. In addition, concern is raised regarding the overall design of the proposed development. Plot 2 would have a central flat roof crown which is indicative of the overdevelopment of this site and would constitute a contrived and poor standard of design.
30. The front of the site would be dominated by hardstanding by car parking and hardstanding for parking / turning areas. Whilst this is not wholly uncharacteristic of the surrounding area it would represent a visual detraction over the current landscaped front garden. The design and layout would therefore fall to enhance the character of the area as required by policy SP6 and the aims and objectives of the National Planning Policy Framework.
31. Concern is also raised regarding the fenestration arrangement on the front elevation of Plot 1, in particular the irregular fenestration style and lack of cohesion and positioning of the dormer and ground floor windows.
32. The houses would have a traditional appearance and would generally reflect the character of the area and natural / traditional material samples could have been secured by condition had the scheme been considered acceptable. The acceptability of the materials does not overcome the demonstrable visual harm identified above.

33. Overall, the proposal would constitute a poorly designed, incongruous, dominant and cramped form of overdevelopment for this rural plot, contrary to design policy SP6, HOU5 and HOU10 and the aims and objectives of the National Planning Policy Framework.

Residential amenity

34. The proposal seeks to replace a modest three bed bungalow with 2no. two-storey 4 bed houses that would be located significantly closer to the shared boundary than the existing house. There would undoubtedly be some additional impact on the adjoining residential properties compared to the current situation.
35. Plot 2 would be set in 1.3m from the shared boundary and would have a cat-slide roof adjacent to the boundary which would help to reduce the bulk and scale of the development when viewed from the adjoining property (Melville). Melville has bedroom and living room windows (at ground floor level) facing towards the application site and it is considered that the scale and proximity of the proposal to the shared boundary would represent an overbearing and oppressive form of development detrimental to the residential amenity of the occupants of this dwelling.
36. Plot 1 would be set in approximately 2m from the shared boundary and at two-storeys in height and with a depth of over 12m, it is considered that the proposal would appear unacceptably overbearing and oppressive when viewed from the neighbouring property located to the north of the site (4 Buffalo Cottages). This property has a first floor bedroom window in the flank elevation facing towards the proposed house at Plot 2. This is the only bedroom window serving the bedroom. Given the scale and proximity of Plot 1 to the shared boundary it is considered that the proposal would result in an unacceptably overbearing and oppressive form of development to the detriment of the residential amenity of the occupants of this property.

Other matters

37. The proposed dwellings would benefit from rear gardens which would comply with policy HOU15 and the proposed internal living accommodation would comply with the National Technical Standards, which are also set out under policy HOU12.
38. Parking and on-site turning would be provided in accordance with policy TRA3a of the Local Plan and on-site turning areas would allow vehicles to enter and access the site safely in forward gear.
39. The proposal would result in the loss of two small trees which are not considered to offer significant visual amenity to the surrounding area due to the size, type and location of the trees. Had the application been considered acceptable mitigation tree planting could have been secured by condition.

40. The submission includes an ecological report and bat and great crested newt surveys which indicates there would be no significant negative ecology impact subject to mitigation and enhancement measures which could have been secured by condition had the scheme been acceptable overall.

Human Rights Issues

41. 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

42. 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

43. The services and facilities in the nearest settlement of Smarden are located over 1 km from the site and due to the absence of roadside pedestrian footpaths and street lighting there would not be a safe / easy pedestrian route to Smarden as required by policy HOU5. As such the development would constitute an unsustainable form of development in the countryside contrary to policy HOU5 and HOU10 and would fail to comply with any of the exception criteria, also outlined under paragraph 79 of the NPPF. There would be an over reliance on the private motor car to access basic day-to-day services within Smarden and the wider area and it is not considered that the development would therefore be sustainably located.
44. The proposal would constitute an overdevelopment of the site and a cramped form of development on this plot in the rural area where development is generally well spaced and sporadic. It would give rise to a visually dominant and incongruous form of development detrimental to the character of the surrounding area, street scheme and countryside contrary to design policy SP6, HOU5 and HOU10 and the aims and objectives of the National Planning Policy Framework.
45. Given the scale and proximity of the proposed development to the shared boundaries the proposal would result in an unacceptably overbearing and

oppressive form of development to the detriment of the residential amenity of the neighbouring properties.

46. The economic and social benefits of one additional house on this site is not considered to outweigh the demonstrable harm identified above.
47. Therefore, for this reason, I consider that planning permission should be refused on this basis as the development would be contrary to policies SP1, SP6, HOU5, HOU10 and ENV3a of the Local Plan and the guidance contained within the NPPF.

Recommendation

Refuse

The proposal is contrary to policies SP1, SP6, ENV3a, HOU5 and HOU10 of the Ashford Local Plan 2030, the Council's Landscape Character SPD and Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

- The proposed development, which lies outside of the built confines of any identified settlement, with no overriding justification having been submitted, would give rise to unsustainable new housing in the countryside which would result in the over reliance on the private modes of transport to access basic everyday shops and services, contrary to the core principles of the Local Plan and the National Planning Policy Framework which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside.
- The proposal would constitute a poorly designed, visually dominant and cramped form of overdevelopment of this rural plot which would be incongruous and out of character with the rural character of the area detrimental to the character and appearance of the countryside and surrounding area and harmful to visual amenity.
- The proposal by reason of the scale, depth, height and proximity to the shared boundaries of the neighbouring dwellings, would result in an unacceptably overbearing and oppressive form of development to the detriment of the residential amenity of the adjoining neighbouring properties located to the north and south of the site.

Note to Applicant

1. Working with the Applicant.

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- The applicant/agent was updated of any issues after the initial site visit;
- Was provided with pre-application advice;
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/000941/AS)

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