

REPORT SUMMARY

REFERENCE NO - 16/506795/FULL		
APPLICATION PROPOSAL Demolition of 164 Ashford Road and associated garaging and erection of a replacement dwelling and garage/ car barn, together with alterations to the access road to create new private vehicular access to serve 162 and 162A Ashford Road		
ADDRESS 164 Ashford Road Bearsted Kent ME14 4NB		
RECOMMENDATION GRANT PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> - The proposed replacement dwelling would not harm the countryside or surrounding landscape. - The proposed access would not have a significantly harmful impact on the street scene of Ashford Road or the character and appearance of the area. - The proposal is acceptable with regards to the residential amenity of neighbouring occupiers. - The development would be acceptable in highway and parking terms. - Matters relating to ecology, tree protection and landscaping could be suitably addressed by conditions 		
REASON FOR REFERRAL TO COMMITTEE		
The recommendation is contrary to the views of Bearsted Parish Council and they have requested the application be referred to the Planning Committee due to concerns regarding the proposed access.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT The Best Family, Mr & Mrs Back And Mr & Mrs Murphy AGENT DHA Planning
DECISION DUE DATE 23/11/16	PUBLICITY EXPIRY DATE 21/02/17	OFFICER SITE VISIT DATE Visited on a number of occasions
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal/Decision	
164 Ashford Road		
66/0180/MK3	Entrance porch and conversion of bedroom to bathroom - Permitted	
162 Ashford Road		
92/1185	Single storey rear extension to kitchen – Permitted	
88/2384	Erection of new garage – Permitted	
72/0413/MK3	Outline application for the erection of one detached dwelling with garage and vehicular access – Permitted	
68/0113/MK3	Outline application for the erection of a dwelling - Permitted	
162A Ashford Road		
05/2309	Erection of a new detached dwelling with attached garage, plus demolition of existing garage and erection of a new attached garage to no 162 – Permitted	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to the residential properties at 162, 162a and 164 Ashford Road.
- 1.02 162 Ashford Road fronts Ashford Road and is a 2-storey dwelling which has an existing vehicular access to the east of the property shared with 162a Ashford Road. 162a Ashford Road is an infill development comprising of a 2-storey dwelling approved to the rear of 162 in 2005. No.164 is a 2-storey dwelling accessed by a separate access drive from Ashford Road; the property is set back from the road, isolated from surrounding development and within a larger plot than other nearby properties. No.164 is currently empty and the building itself is in a poor state of repair and has been subject to vandalism and anti-social behaviour.
- 1.03 There are a number of trees within the site of no. 164, the majority of which are protected by a Tree Preservation Order (TPO). The site adjoins open countryside to the south-east, with this adjacent land at a lower level than the application site.
- 1.04 A public right of way (PROW) is sited along the north-east boundary of no 164. The PROW follows the route of the access drive and then is separated demarcated by fencing/planting.
- 1.05 The northern part of the application site is within the urban settlement boundary of Maidstone. The southern part of the site is within a Special Landscape Area (SLA) designated within the adopted local plan and a Landscape of Local Value (LLV) defined in the emerging local plan.

2.0 PROPOSAL

- 2.01 The proposal is for the following:
- Replacement dwelling
 - Garage/car barn
 - Amalgamation of accesses to 164 and 162/162A and creation of a single access to serve the three dwellings, which includes an extended parking area to 162A and associated retaining walls.

Replacement dwelling

	Existing	Proposed	Change (+/-)
No. of storeys	Two	Two	No change
Max height (approx.)	8.2m	8m	-0.2m
Max eaves height (approx.)	5.3m (varies across building)	4.8m	-0.5m
Max width (approx.)	15.9m	18m (including chimney breast)	+2.1m
Max depth (approx.)	14.6m	12.7m	+1.9m
No. of residential units	One	One	No change

Garage/car barn

- 2.02 This would be a detached building containing a double garage, car barn and garden store. It would be a maximum of 11.8m in width, 6.5m in depth and would have an eaves height of 2.4m and a ridge height of 5.9m.

Access

- 2.03 The proposed new shared access would be from Ashford Road. This access would replace the two existing accesses, one which serves 162 and 162A Ashford Road and one which serves 164 Ashford Road. The access would be 4.8m in width at the junction with Ashford Road, decreasing to 3.7m at the point it joins the proposed turning area for 164.
- 2.04 The new access would extend southwards for approximately 44m and would have two access spurs to the west to serve numbers 162 and 162A.
- 2.05 The application seeks to demonstrate the need for the extent of hardstanding proposed and the width of the driveway by providing tracking details for the turning of an estate car and emergency vehicles.

Extending drive and retaining wall to Number 162A

- 2.06 The driveway of number 162A would be extended by approximately 3m, with an approximate 2m high retaining wall separating 162A with 164 which is proposed to be constructed in terra form blocks which would be landscaped with native planting.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Public Right of Way KM77A

Tree Preservation Order (TPO)

Part of site outside settlement boundary (adopted and emerging local plans)

Part of site within settlement boundary (adopted and emerging local plans) – Northern part of the site

Special Landscape Area (adopted local plan) (SLA)

Landscape of Local Value (emerging local plan) (LLV)

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Maidstone Borough Wide Local Plan 2000 :

Policy ENV6 : Landscaping, surfacing and boundary treatment

Policy ENV26 : Development affecting public footpaths and Public Rights of Way

Policy ENV28 : Development in the Countryside

Policy ENV34 ; Special Landscape Areas

Policy H32 : Replacement Dwellings in the Countryside

Policy T13 : Parking Standards

Maidstone Borough Local Plan May 2016 (submitted version)

Policy SP1 : Maidstone urban area

Policy SP17 : Countryside

Policy DM1 : Principles of good design

Policy DM3 : Historic and natural environment

Policy DM27 : Parking standards

Policy DM34 : Design principles in the countryside

Policy DM36 : Rebuilding and extending dwellings in the countryside

Five year housing land supply

- 4.01 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

- 4.02 Furthermore, paragraph 49 of the NPPF is clear that relevant policies for the supply of housing *“should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

- 4.03 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Maidstone Borough Local Plan (2011 to 2031). The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by Council at its meeting on 25 January 2016.

- 4.04 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016, and the Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs. The Housing Topic Paper, which was submitted with the Local Plan, demonstrates that the Council has a five-year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. The independent examination into the Local Plan commenced on 4 October 2016, and the closing session for the hearings was held on 24 January 2017. The examination itself will close following further public consultation on modifications to the Local Plan and receipt of the Inspector’s final report. Adoption of the Plan is expected in summer 2017.

- 4.05 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has **5.12 years'** worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 4.06 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 4.07 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 4.08 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 4.09 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.

5.0 LOCAL REPRESENTATIONS

5.01 Parish Council

Original consultation : We raise no objection to the replacement dwelling etc. but wish to raise objection to the widened vehicular access to create a new private vehicular access to serve 162 and 162A Ashford Road as we feel this is unnecessary.

Re-consultation : The committee are concerned with the negative environmental impact of this application. Such large scale felling of trees and removal of undergrowth will have a detrimental effect on the local area and surrounding properties. Access is already proven to be sufficient as fire appliances were easily able to access the property during the recent fire.

Bearsted Parish Council have no issues with the dwelling but wish to refer the application to the MBC Planning Committee for consideration that the widening of the access is refused.

Adjoining neighbours were notified of the application. A site notice was also put up at the site.

Five letters of objection were received following the original consultation, raising in summary the following objections :

- Widespread clearance on the site has affected the visual outlook
- Impact on local natural environment
- Aerial photos show extensive change
- Justification for moving access
- Lack of information
- Overlooking from 162A Ashford Road
- Trees shown on original consent for 162A now removed
- Harm during construction
- Loss of privacy
- Efforts to secure existing property have been poor
- No mention of SLA
- No mention of local appeal decisions
- No information reference drainage, lighting
- Trees and ecology survey not fit for purpose
- Suggested conditions for approval
- No need for access improvements
- Concern regarding future development of the site
- Queries regarding boundaries

Three letters of objection were received following the re-original consultation, raising in summary the following objections

- Comments remain unchanged
- Access improvements appear unnecessary
- Concerns regarding lights using access to number 162A
- Concerns regarding landscaping mitigation

5.02 Councillor Springett

I have now had a chance to review the TPO and the tree plan and Arboricultural Implications assessment provided by the applicant for the above application. In respect of the proposed dwelling I raise no objection. However, you will recall from our site visit that I stated I would not wish to see the large beech tree on the western boundary removed. This tree is numbered T3 on the TPO and T8 on the tree plan supplied by the developer. It is a mature tree of some 8 metres in height, and described in the Arboricultural Implications assessment as being in good structural condition and with an estimated 20-40 years life remaining. It is only recommended for removal to allow a retaining wall to be built, yet there would appear to be more

than sufficient room to route the retaining wall a little further to the east, thereby allowing retention of this large tree. I therefore wish to raise my **very strong objection** to the removal of this tree.

Furthermore, I am disappointed that the applicant has requested to remove trees T13 and T14 of their tree plan, (part of TPO group G13) purely to construct the terrace and open up views of the garden. The proposed terrace appears quite significant in size to allow views of the garden and it would appear that a slight change in the shape of the western part of the terrace would permit retention of these two trees, described in the Arboricultural Implications assessment as being in good structural condition, of up to 9 metres in height with an estimated 40+ years of life remaining. In view of the extensive tree removal that has already taken place within this site, I object to the unnecessary removal of these two trees.

5.03 Bearsted and Thurnham society :

Re-consultation

We welcome the revised positioning of the proposed replacement dwelling so that it will avoid the root protection area of trees that are protected by a Tree Preservation Order. We also welcome the deletion of the passing bay from the proposed access road, the generally reduced size of the proposed vehicular access and the increased amount of tree planting.

However, our main concerns and continued objections relate to the sheer scale of the environmental impact of this proposal which seems to us to be grossly excessive to simply provide a single replacement dwelling. This environmental impact is most conspicuous when viewed from the Ashford Road and has had a severe impact on the hitherto semi-rural setting of the existing dwellings.

We still consider the proposed access road to be excessive in size to serve just 3 dwellings and are very seriously concerned about the excessive and continuing felling of trees and removal of undergrowth. We, therefore, continue to object to this application on the grounds set out in our letter of 22nd November 2016.

We also consider that MBC should take whatever action it can to enforce the Tree Preservation Orders that have now been served on the application site and secure adequate replanting to maintain the attractive landscape character of the area.

We also continue to recommend that in order to remedy the environmental vandalism that has already taken place within the application site, that any planning permission granted for the replacement dwelling must be subject to a condition requiring the submission and prior approval by MBC of a comprehensive screening, landscaping and tree planting scheme to cover the entire application site specifically to remedy the environmental damage already done and to protect the residential amenities of adjacent and nearby dwellings and to include the retention of as many of the existing trees and as much of the existing natural vegetation as possible.

6.0 CONSULTATIONS

6.01 KCC Public Right of Way Officer

Public Rights of Way KM77A footpath runs along the north eastern boundary of the site and should not affect the application.

6.02 Natural England

No comments and refer to standing advice.

6.03 Environmental Services

No objection

6.04 KCC Highways

On behalf of the highway authority I write to confirm that I have no objections to this proposal. On points of clarification I note that the site layout plan refers to transport drawings T003 and T004. I have been unable to find these. I also note a drawing regarding proposed oak gate and fencing detail and I am unsure what this relates to.

It is considered that for safety reasons the access improvements should be constructed at an early stage and completed prior to occupation. Submission of a construction management plan for approval prior to commencement designed to maximise safety and minimise disruption is considered appropriate.

Re-consultation

I note the driveway widths proposed and consider that these are sufficient to allow for all non-exceptional situations. I write to confirm on behalf of this authority that I have no objection to the proposal and no further comments to add to my response of 25th October 2016.

6.05 Southern Water

Standing advice and seeks a condition relating to surface water drainage

6.06 KCC Archaeological Officer

No comments

6.07 Tree Officer (re-consultation)

The revised proposals show the removal of T8 (T3 of the TPO), a Beech tree. Unfortunately, recent severe crown reduction work has been detrimental to its amenity value and life expectancy. Likewise, trees T13, T14, T15 and T19, which are shown to be removed, are of poor quality/condition; two of these trees are categorised as U grade trees (one of which is dead and not protected) and two are C grade.

The Order was made to ensure that if trees were assessed and not considered worthy of retention suitable replacement tree planting could be secured. In this case there are no arboricultural grounds on which to refuse the application subject to a condition requiring compliance with the Tree Protection Plan and accompanying report and landscape conditions which specifically ensure sufficient replacement tree planting to mitigate the loss of the protected trees.

7.0 BACKGROUND PAPERS AND PLANS

Application form
Planning Statement

Extended Phase 1 Habitat and Bat Scoping Survey
Tree Survey Report dated January 2017
Additional letter dated 10th April 2017 from Greenspace Ecological Solutions

Drwg DHA/11271/04 (Existing Dwelling elevations)
Drwg DHA/11271/03 Rev B (Existing dwelling floor plans)
Drwg DHA/11271/10 (Existing single garage, floor plan and elevations)
Drwg DHA/11271/07 (Proposed Elevations)
Drwg DHA/11271/06 (Proposed Floor Plans)
Drwg DHA/11271/08 (Proposed Garaging)
Drwg DHA/11271/SK01 (Massing comparative)
Drwg DHA/11271/05 Rev A (Site Layout Plan)
Drwg DHA/11271/01 (Site Location Plan)
Drwg DHA/11271/02 (Existing Site Plan)
Drwg T-03 rev P5 (Proposed Access Design)
Drwg T-06 rev P1 (Vehicle swept path analysis)
Drwg DHA/11271/13 (Proposed retaining wall construction detail)
Drwg DHA/11271/14 (Terraforce details)
Drwg DHA/11271/12 (Elevations through retaining wall)
Drwg DHA/11271/11 (Sections through retaining wall)
Drwg DHA/11271/10 (Existing and Proposed site plan boundary of 162A)

8.0 APPRAISAL

Principle of development

Replacement dwelling

- 8.01 The northern part of the application site is within the urban settlement boundary of Maidstone. The southern part of the site is within a Special Landscape Area (SLA) designated within the adopted local plan and a Landscape of Local Value (LLV) defined in the emerging local plan. The siting of the existing dwelling itself and the wider curtilage to the south is outside the defined settlement boundary and is as such within open countryside defined in the adopted Local Plan.
- 8.02 Policy ENV28 sets out development acceptable within the countryside, this allows at point 5 for '*such other exceptions as indicated by policies elsewhere in this plan*'. Policy H32 allows for replacements dwellings provided it can satisfy the following criteria :
- 1) *The present dwelling has a lawful residential use*
 - 2) *The present dwelling is not the result of a temporary planning permission*
 - 3) *The new dwelling is no more visually intrusive than the original dwelling*
 - 4) *The new dwelling is sited to preclude retention of the dwelling it is intended to replace*
 - 5) *The new dwelling has a safe access*
 - 6) *The existing dwelling is not a Listed Building*
 - 7) *The proposed does not result in an unacceptable loss of amenity or privacy for adjoining residential properties*
- 8.03 Policy SP17 of the emerging local plan relates to the countryside, allowing for development that does not harm the character and appearance of an area which meets the criteria set out. Replacement dwellings are permitted under Policy DM36 provided they meet the criteria set out; these criteria replicate points 1, 2, 4 and 6 above and include the following:

- 4) The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling
- 5) The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside.

8.04 The existing dwelling benefits from a lawful residential use, it does not relate to a temporary consent and is not a Listed Building. Matters relating to visual amenity, access and residential amenity are discussed in greater detail in the report below.
Access

8.05 The access itself is within the settlement boundary and would replace two existing accesses, subject to the detailed consideration of the material planning matters below it is considered that the principle of the vehicular access is acceptable.

Visual amenity (including impact on SLA and LLV)

8.06 Policy ENV28 of the adopted local plan seeks to protect the countryside and not support development which would harm the character and appearance of the area. Policy ENV34 defines the Special Landscape Area (SLA) and sets out that *'particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations.'*

8.07 Policy SP17 of the emerging local plan seeks to ensure that proposals do not harm the character and appearance of an area, conserve, maintain and enhance where appropriate the Len Valley Landscape of Local Value (LLV) and protect natural assets. Policy DM1 seeks high quality design and proposals to respond positively to and where possible enhance local character, respond to topography and sensitively incorporate natural features and promote high quality design. Policy DM34 seeks proposals not to result in harm to landscapes of local value and landscapes of highest value.

Replacement dwelling

8.08 The existing dwelling is in a state of disrepair. The property has been subject to multiple break-ins, instances of anti-social behaviour and arson. The existing dwelling has been subject to limited extension or alteration.

8.09 Policy H32 of the adopted local plan sets out that a replacement dwelling should be no more visually intrusive than the dwelling it replaces. Policy DM36 of the emerging local plan sets out that the mass and volume of a replacement dwelling should be no more visually harmful and would not result in cumulative harm

8.10 As the summary table in the proposal section above sets out, the proposed footprint of the new building would not be dissimilar to the existing dwelling and the overall height would be slightly lower. The new dwelling overall would have a greater mass and volume, especially where the existing cat slide roofs are replaced by fully two-storey elements. Notwithstanding the greater mass and volume, the proposed dwelling when compared to the existing dwelling would not result in any more visual intrusion and would not cause any significant additional harm to the character and appearance of the surrounding area including the designated SLA and emerging LLV. The proposed design, mass and volume are considered acceptable

- 8.11 The replacement garage would be larger than the existing single garage, however it is not considered unreasonable for a dwelling of the size proposed to benefit from a triple garage and garden store. The proposed design and appearance of the building would be in keeping with the proposed dwelling and it is not considered that the building independently or cumulatively would harm the countryside or surrounding landscape.

Access

- 8.12 All the works relating to the proposed access and parking rearrangements to numbers 162 and 162A fall within the settlement boundary and outside the landscape designations of the SLA and the emerging LLV. These works would amalgamate two existing accesses thus resulting in an access width at the junction with Ashford Road of 4.8m. Vehicular accesses are characteristic of the street scene, with most properties along this stretch of Ashford Road benefiting from individual vehicular access points. The dimensions, surfacing, boundary treatment and other characteristics of this existing access vary along the road.
- 8.13 The applicants have removed a number of trees and shrubs that previously separated the accesses to 164 and 162/162A (together with other trees on the site), this has opened up the frontage and changed the characteristics.
- 8.14 The existing access for no.164 is currently substandard for its purpose and uses. The access serves no.164, forms a PROW and provides an historic right of way enabling access to the fields to the south-east of the application site. The applicant has set out that the access no longer allows for modern farming equipment to reach the fields. The applicant has also provided a letter from a demolition company that states that currently they would not be able to demolish the existing dwelling due to the poor access arrangements.
- 8.15 The proposed access although wider, would not be unreasonable in width and would allow for the PROW to be separated, with room to accommodate a grass verge/planting within the frontage of 162 Ashford Road (controlled by condition).
- 8.16 The footpath along Ashford Road already contains a dropped kerb the full width of the distance between both existing accesses and as such no change to the footpath is proposed. The PROW sign and electricity pylon would need relocating but there is no apparent reason to suggest this would not be possible with the practicalities of doing this a matter for the applicants to resolve separately. There would be no increase in the amount of hardsurfacing at the junction with Ashford Road, it would however be amalgamated into a single width rather than the two sections currently separated by planting. The loss of planting could be mitigated by providing additional planting to the west of the access alongside the boundary for 162 Ashford Road. Surfacing material could be conditioned, as could any new or replacement boundary treatment.
- 8.17 It is considered in the context of the street scene and the appraisal set out above that the proposed amalgamation of the existing accesses would not result in any significant harm to the visual amenity of the street scene.

Extending drive and retaining wall to Number 162A

- 8.18 Within the site it is proposed to provide a formalised access to 164 and provide two access spurs to serve numbers 162 and 162A. In addition a turning area would be

provided within the site of 164 and to facilitate the new driveways to 162 and 162A, new retaining walls are proposed.

- 8.19 The access to no 164 is currently relatively informal. A formalised access and turning area to modern standards would not be unreasonable to serve this residential dwelling. The visual impact would be acceptable and there is significant scope for additional landscaping (some of which is indicated on the submitted site layout plan).
- 8.20 The new access spurs to 162 and 162A would not be out of character and would replace existing access arrangement and would not cause harm to visual amenity.
- 8.21 The extended driveway to 162A would involve the removal of an existing Beech Tree; this is one of the few trees that remain along the northern part of the eastern site boundary. Recent severe crown reduction work to this tree has been detrimental to its amenity value and life expectancy. The council's Tree Officer has advised that with this situation there are no grounds to refuse the application due to the loss of this tree subject to a condition securing a replacement tree. The proposed engineering works to provide the new retaining wall, which would be visible from within the site of no 164, have been sensitively designed and incorporate the use of terraform blocks which will allow the planting of native species in a green wall.
- 8.22 These works are considered reasonable and would not cause significant harm to the visual amenity of the street scene, the wider area or any landscape designations.

Overall

- 8.23 The proposed works, subject to conditions, individually and cumulatively would be acceptable and would not cause any significant harm to the visual amenity of the street scene, the wider area or any landscape designations.

Residential amenity

- 8.24 Paragraph 17 of the NPPF sets out the core planning principles which includes :
- 'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*
- 8.25 Policy DM1 of the emerging local plan sets out at that proposals shall :
- 'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.'*
- 8.26 No 162 Ashford Road forms part of the linear pattern of residential development along Ashford Road and the properties at no. 162A and no.164 set behind properties fronting Ashford Road also part of this existing character. No. 164 Ashford Road is separated from any neighbouring dwellings, set back significantly from the road frontage and sited within extensive grounds. No's 166 and 166a adjoin the north-west site boundary, the rear gardens of properties forming a cul-de-sac off Ashford Road and Bodsham Crescent adjoin the site to the western boundary and the gardens of properties in Button Lane adjoin the site to the south.

- 8.27 The existing residential use of the site would remain unchanged, there would be no increase in the number of dwellings, the development is restricted to the northern part of the site and the footprint of the proposed replacement dwelling is similar to the existing dwelling.
- 8.28 Those properties most likely to be affected are 166 and 166a Ashford Road. These dwellings are both chalet bungalows and adjoin the site to the north-east. The existing dwelling at 164 is at an oblique angle to these neighbouring properties and the existing cat-slide roof to the front restricts the number of windows in the north-east facing elevation.
- 8.29 The proposal would introduce additional windows in the front elevation when compared to the existing dwelling. It is considered that these windows are acceptable given the separation distance of over 50m from neighbouring dwellings and over 15m to the site boundary. The proposal is acceptable in relation to overlooking and loss of privacy. The proposed height and footprint of the replacement dwelling would not be significantly greater than the existing dwelling. It is considered that the new dwelling is acceptable in relation to outlook, daylight and sunlight and will not be overbearing, or result in overshadowing.
- 8.30 It is acknowledged that the new garage is larger than the existing single storey flat roof garage, and at a closer point to the boundary than the dwelling itself. Notwithstanding these factors, it is noted that the garage would be sited approximately 5m from the site boundary, it would be single storey and the roof would slope away from the boundary. After considering all of these factors, it is considered that the new garage is acceptable in relation to neighbouring amenity.
- 8.31 As the access is to the west of the property at 166a Ashford Road this property is most likely to be impacted. No. 166a is a chalet bungalow which has a dormer window facing towards the application site, with windows serving first floor bedrooms, the property is separated from the application site by a close boarded fence. The existing access to number 164 is closer to the site boundary than the proposed access, with the access moved approximately 2m further away from the boundary. The use of the access would increase and is proposed to serve 3 dwellings, a net increase of 2 dwellings. It is unlikely that this increased use would cause significant additional noise and disturbance.
- 8.32 Concern is raised by the occupiers of 166a that the headlights of vehicles entering and leaving 162a would face directly towards their property. Information has been provided to demonstrate vehicle tracking for an estate car travelling from the parking area proposed to number 162a. This modelling shows that it is more likely that the car headlights would be orientated beyond the front wall of 162a rather than pointing directly towards the property.
- 8.33 Overall the proposed development would not result in undue harm to neighbouring residential amenity including properties located on Button Lane, Bodsham Crescent and properties at 156, 156a and 156b Ashford Road.

Impact on trees

- 8.34 The application site has undergone recent tree removal and as a consequence a Tree Preservation Order has been placed on many of the trees within the site. This order has now been confirmed and ensures protection for the trees included within

the order. The Order was made to ensure that if trees were assessed and not considered worthy of retention suitable replacement tree planting could be secured.

- 8.35 The revised proposals show the removal of T8 (T3 of the TPO), a Beech tree. Unfortunately, recent severe crown reduction work has been detrimental to its amenity value and life expectancy. Likewise, trees T13, T14, T15 and T19, which are shown to be removed, are of poor quality/condition; two of these trees are categorised as U grade trees (one of which is dead and not protected) and two are C grade.
- 8.36 The position of the replacement dwelling has been amended to move it away from protected trees. The proposed siting is considered acceptable and would not result in harm to protected trees, would not lead to harm to the future health of the trees or pressure for the removal of the trees on overshadowing grounds.
- 8.37 If members are minded to grant permission it is recommended that a landscaping scheme is secured, this would allow the opportunity to provide additional/replacement planting either side of the access to the north of the site. As the proposed works are centred around the northern part of the site, it is not considered reasonable to secure additional landscaping or management within the wider site as suggested in consultation responses. The confirmed TPO provides suitable protection of the existing trees within the site.
- 8.38 Subject to compliance with the tree protection plan and accompanying reports and a landscaping condition it is considered that the impact on trees would be acceptable.

Impact on ecology

- 8.39 The application is accompanied by an Extended Phase 1 Habitat and Bat Scoping Survey which has been prepared by a competent professional. The report identifies that there is a likely to be badgers, foxes, rabbits, breeding birds and reptiles within the site.
- 8.40 With regard to badgers, mammal holes were found to the southern part of the application site, some distance from where the proposed works would take place. As such subject to sensitive working methodology set out in the ecology report it is not considered undue harm would result to mammal populations.
- 8.41 The site demonstrates optimal nesting habitats for breeding birds and as such works should be carried out in accordance with the report recommendations. This includes carrying out works outside the core breeding bird period or if unachievable then thorough searches for breeding birds should be conducted by an experienced ecologist.
- 8.42 Log piles within the site provide suitable sheltering and hibernating habitat for reptiles and the report recommends that any movement of these is carried out sensitively and in accordance with the recommendations within the report.
- 8.43 The existing dwelling has a high suitability to support roosting bats and the report concludes that further survey works would be required in the form of an emergence survey. The applicants have provided an additional letter dated 10th April 2017 to state that the further survey work is scheduled for May-September 2017. The additional information sets out that mitigation measures are possible.

- 8.44 The applicant has been asked to respond to comments received from the KCC biodiversity officer and an update will be given to members once this has been received.

Impact on PROW

- 8.45 The existing Public Right of Way (PROW) shares the existing access drive serving no. 164 from Ashford Road to the north and follows the north-eastern boundary of the application site.
- 8.45 The proposed works would maintain the existing PROW but separate it from the proposed vehicular access. The KCC Public Right of Way Officer is satisfied that the proposed works and access arrangements would not impact on the maintenance and retention of the PROW. The existing PROW signage would need to be relocated to facilitate the new access arrangements and separate consent may be required from KCC for this.

Highways and parking matters

- 8.47 The proposal would facilitate improved access arrangements to 164, 162 and 162a Ashford Road and provide parking for each of these dwellings.
- 8.48 The proposal would provide sufficient parking for each dwelling and the new access would be acceptable in terms of highway safety. Kent Highways raises no objection to the proposed development.

10.0 CONCLUSION

- 10.01 The principle of the replacement dwelling and new access arrangements is considered acceptable and the proposed design and appearance of the new property would not harm the character or the context of the site. The proposal is acceptable in relation to neighbouring amenity. The proposed development would be in accordance with current policy and guidance.

11.0 RECOMMENDATION – GRANT Subject to the following conditions :

CONDITIONS to include

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Extended Phase 1 Habitat and Bat Scoping Survey
Tree Survey Report dated January 2017
Additional letter dated 10th April 2017 from Greenspace Ecological Solutions

Drwg DHA/11271/07 (Proposed Elevations)

Drwg DHA/11271/06 (Proposed Floor Plans)
Drwg DHA/11271/08 (Proposed Garaging)
Drwg DHA/11271/05 Rev B (Site Layout Plan)
Drwg T-03 rev P5 (Proposed Access Design)
Drwg T-06 rev P1 (Vehicle swept path analysis)
Drwg DHA/11271/13 (Proposed retaining wall construction detail)
Drwg DHA/11271/14 (Terraforce details)
Drwg DHA/11271/12 (Elevations through retaining wall)
Drwg DHA/11271/11 (Sections through retaining wall)
Drwg DHA/11271/10 (Existing and Proposed site plan boundary of 162A)

Reason: To clarify which plans have been approved.

- (3) Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

- (4) The approved details of the access/parking/turning areas shall be completed before the occupation of the replacement dwelling at 164 Ashford Road hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (5) The development hereby approved shall not commence until the tree protection in accordance with the current edition of BS 5837 shown on Drawing 16-402-TPP-Rev-A (Tree Protection Plan) has been provided on site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation

and a [5] year management plan. The landscape scheme shall specifically address the need to provide replacement trees for those proposed to be removed, include the provision of a replacement hedge/planting along the along western edge of the driveway which shall include species of common hawthorn, hazel, guilder rose, spindle, dog rose and honeysuckle and should provide planting within the boundary of 164 Ashford Road for the areas of the site adjoining the boundaries with 162a and 166a.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (7) All planting, seeding and turfing specified in the approved landscape details shall be carried out in the planting season following occupation of the replacement dwelling hereby permitted or the season following the commencement of the use of the proposed new access whichever is the sooner. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (8) Prior to any development above damp proof course level details of how renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development.

- (9) Prior to any development above damp proof course level details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the replacement dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason : To protect and enhance the ecology and biodiversity on the site in the future.

- (10) Prior to the commencement of the access drive hereby permitted details and samples of the surfacing material shall be submitted to and approved by the Local Planning Authority and the works carried out in accordance with the submitted details. Where possible the surfacing materials shall be permeable, a bound surface shall be provided for at least the first 5metres of the access from the edge of the highway and these details shall include details of the surfacing of the driveway, Public Right of Way and parking areas.

Reason : In the interests of visual amenity, highways safety and the use of the Public Right of Way.

- (11) Prior to the commencement of development details of the following shall be submitted to and approved by the local planning authority and the works carried out in accordance with the approved details :

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Reason : In the interests of highway safety during construction. The details are required prior to commencement as the details relate to construction phase.

- (12) Any future gates to the proposed access hereby permitted shall open away from the highway and be set back a minimum of 5 metres from the edge of the carriageway.

Reason : In the interests of highway safety.

INFORMATIVES

- (1) You are advised that:
- a) No furniture may be erected on or across the Public Right of Way without the express consent of Kent County Council as the Highway Authority.
 - b) There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of Kent County Council.
 - c) No hedging or shrubs should be planted within 1.0 metres of the edge of the Public Path.
 - d) You are advised that the erection of fencing or other structures can require planning permission.
 - e) No Materials can be brought onto site or stored on the Right of Way.

You are also advised that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of Kent County Council as the Highway Authority.

- (2) Planning permission does not convey any approval for construction of the vehicular crossings, or any other works within the highway, for which a statutory licence must be obtained separately. Applicants should contact Kent County Council Highways (www.kent.gov.uk or 03000 41 81 81) for further information.

Case Officer: Rachael Elliott

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.