

- a) **DOV/21/00409 – Change of use from amenity land to garden, at 11 Cherry Blossom Way, Aylesham CT3 3GS**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Dover District Core Strategy (CS) & Land Allocations Local Plan (LALP) Policies

- CP1 – Aylesham Village is recognised as a Rural Service Centre suitable as a main focus for development in the rural area.
- AY3 – Aylesham Residential Development.
- DM1 - Development will be permitted within the settlement boundaries.

National Planning Policy Framework 2021 (NPPF)

- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide 2019

- This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF.

Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan has undergone its first public consultation exercise, which expired in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

- d) **Relevant Planning History**

15/00068/GG – Granted, for the layout of this section of the new residential estate.

- e) **Consultee and Third Party Responses**

Parish Council: Objects to the impact upon the street scene, harm to highway safety, the deterrent for people walking and cycling in shared space due to the hazards that would be created and the setting of precedent

Other Public Representations: There have been 78 other responses received from the public consultation exercise, 24 of which raise objections to the proposal. The objections can be summarised as follows:

- Harmful visual impact
- Harm to highway safety
- Loss of green/amenity space
- Impact on access to services
- Increase shading of areas
- Precedent
- Contrary to Covenant

There are 54 responses in support of the application, which can be summarised as follows:

- Improve visual amenity
- No harm to highway safety
- The land serves no useful purpose
- The land will be better maintained
- There is no public need for the amenity land
- The increase in garden land for the property will be a benefit

f) 1. **The Site and the Proposal**

- 1.1 The application property is a detached house located on the recently constructed 'Persimmon' residential estate, which forms part of the planned expansion of Aylesham Village.
- 1.2 The application property is located on the corner of the road and its side elevation and side garden fence face towards a short cul de sac serving four other residential properties and a communal car parking court.
- 1.3 The layout of this section of the estate was approved in 2018. The approved boundary enclosure for this property is a 1.8m high close boarded fence. The soft landscaping approved, which forms the amenity land (the subject of this application), is for a grassed verge and a single tree (a type of Hornbeam). The tree is not currently there. Adjacent to the grassed verge is a parking bay. The carriageway adjoins the verge/parking bay and leads to other properties and the parking court beyond the rear of the application site.
- 1.4 The topography of the land falls in a southerly direction – towards the car parking court. As such, the rear boundary enclosure of the application site, adjacent to the parking court, comprises a brick retaining wall with a fence on top.
- 1.5 The existing appearance of the area comprises mostly properties with open frontages (front gardens), and grass or planted (soft landscaped) verges with enclosures set behind them along side or rear gardens.
- 1.6 The proposal seeks to relocate the existing boundary enclosure to the garden which currently comprises a 1.8m high garden fence to new locations adjacent to the carriageway, serving the cul de sac, and further towards the front garden of the property. The fence would be located on top of a brick retaining wall. The proposal would thereby enclose the currently grassed amenity land within the garden of the application property (the parking bay on the carriageway would be retained). It

would also require the relocation of the road sign to the front garden of the application property.

2. **Main Issues**

2.1 The main issues are:

- The impact upon the character and appearance of the area
- The Planning Balance

Impact upon Character and Appearance

2.2 The proposed development would incorporate the current grassed verge into the garden of the application property through the re-positioning of the garden fence on top of a retaining wall.

2.3 It is considered that the proposal would result in the loss of part of the open setting of the street scene within the wider open-planned estate. Although the 'amenity' land does not appear to provide any functional amenity space for the residents of the road or surrounding estate, it contributes to its open setting and character where the predominant appearance of the area is one of open front garden areas and grassed or planted areas alongside side or rear garden fences that provide a soft landscaped buffer between garden boundaries and carriageways.

2.4 The current amenity area contributes towards the visual amenity of the area and the open character and setting of the estate. Its loss with the erection of the 1.8m high fence on top of a retaining wall adjacent to the carriageway would result in an enclosing of the street scene and the loss of an open area that provides a visual amenity and relief within the built up area. The additional height of the boundary enclosure (on top of a new wall) closer to the public highway would also have an overbearing impact upon users of the carriageway as the structure would be located hard up to the highway edge.

2.5 Whilst not necessarily a reason for refusal in its own right, should the loss of these green, soft landscaped verges increase across the estate, this would detract from the prevailing open character of the area and detract from the open-planned estate as envisaged in the approved Masterplan.

Planning Balance

2.6 In the planning balance, it is important to consider the need for the garden area of the application property to be increased. The case advanced through the application submission relates to removing an area of land that is difficult to maintain, providing a retaining wall to address rotting timbers and proposing planting behind the fence so that this can add to the overall amenity of the area.

2.7 Other factors have been advanced through the consultation responses – such as harm to highway safety, drainage, removing poorly maintained land from the street scene, etc.

2.8 In the balance, it is considered that the estate was planned with these grassed or planted buffer areas alongside properties to help achieve an open-planned, soft landscaped, setting for the built environment. Although these planted areas might not function to provide recreational amenity, they function to provide visual relief and benefit to assist in creating street scenes that provide a good balance between development and the spaces around them.

Conclusion

- 2.9 It is considered that the proposal would cause harm to the visual quality of the street scene and the prevailing character and appearance of the area.
- 2.19 The new enclosure would be more overbearing to pedestrians due to its location adjacent to the carriageway.
- 2.20 The loss of the open land would, in addition, place greater pressure on the local planning authority to allow other similar proposals elsewhere on the estate, as residents may wish to increase the size of their gardens and/or to remove the need to maintain the public areas within their ownership or under their control. This would lead to the gradual erosion of the open character and appearance of the estate.

g) Recommendation

- I PERMISSION BE REFUSED for the following reason:

The proposed development would cause harm to the setting and visual quality of the street scene and the prevailing open character and appearance of the area and as such would be contrary to Paragraph 130 of the National Planning Policy Framework

- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer:

Vic Hester