

## REPORT SUMMARY

<b>REFERENCE NO - 23/00368/FULL</b>		
<b>APPLICATION PROPOSAL</b> New dropped kerb and driveway		
<b>ADDRESS</b> 38 All Saints Road, Hawkhurst, Cranbrook, Kent, TN18 4HT		
<b>RECOMMENDATION - To GRANT</b> planning permission subject to conditions (please refer to section 11.0 of this report for full recommendation)		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The development would comply with adopted Local Plan policy relating to highway safety;</li> <li>• The development would not be significantly harmful to the residential amenities of neighboring dwellings;</li> <li>• The development would preserve visual amenity and the character of the High Weald Area of Outstanding Natural Beauty (AONB);</li> <li>• Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.</li> </ul>		
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> The following are considered to be material to the application: <b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A <b>Net increase in numbers of jobs:</b> N/A <b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A The following are not considered to be material to the application: <b>Estimated annual council tax benefit for Borough:</b> N/A <b>Estimated annual council tax benefit total:</b> N/A <b>Estimated annual business rates benefits for Borough:</b> N/A		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The land within the application site is partially owned by Tunbridge Wells Borough Council.		
<b>WARD</b> Hawkhurst & Sandhurst	<b>PARISH/TOWN COUNCIL</b> Hawkhurst Parish Council	<b>APPLICANT</b> Mr David John Harvey <b>AGENT</b> Ms Amna Khan
<b>DECISION DUE DATE</b> EOT – 24/05/23	<b>PUBLICITY EXPIRY DATE</b> 24/03/23	<b>OFFICER SITE VISIT DATE</b> 03/03/23
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> None		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The subject property is a two storey, semi-detached dwelling house located on All Saints Road within Hawkhurst. The surrounding area is characterised as an

established urban area within a residential housing development. The property currently has no off-road parking provision, but the dwelling does benefit from an elongated front garden. At the time of the site visit the front garden was partially fenced off due to ongoing works within the property itself. The highway (including the roadside pavement) is in the ownership of TWBC.

## 2.0 PROPOSAL

- 2.01 This application seeks to place paving within the front garden area to create an area of paved, permeable hardstanding suitable for off-road parking at least one vehicle. The existing footpath which runs along the western side of the driveway will be maintained as it currently is.
- 2.02 A new dropped kerb will be created to allow access to the off-road parking space, with this dropped kerb comprising a central dropped section and a tapered kerb on each side. The total width of the dropped kerb will be approximately 4.3 metres.
- 2.03 The appearance of the dwelling itself will not be altered through the proposal.

## 3.0 SUMMARY INFORMATION

<b>Dropped Kerb</b>	
Max. Width	4.3metres

## 4.0 PLANNING CONSTRAINTS

- Inside Limits to Built Development
- AONB (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

## 5.0 POLICY AND OTHER CONSIDERATIONS

**National Planning Policy Framework (NPPF) 2021**  
**National Planning Practice Guidance (NPPG)**

### **Tunbridge Wells Borough Local Plan 2006**

Policy EN1: Development Control Criteria;  
Policy TP4: Access to Road Network

### **Tunbridge Wells Borough Core Development Strategy 2010**

Core Policy 4: Environment  
Core Policy 5: Sustainable Design and Construction  
Core Policy 14: Development in the Villages and Rural Areas

### **Supplementary Planning Documents**

Alterations and Extensions Supplementary Planning Document 2006

### **Tunbridge Wells Borough Submission Local Plan 2021**

Policy STR6: Transport and Parking  
Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment  
Policy EN1: Sustainable Design  
Policy EN18: Natural Landscape  
Policy EN19: The High Weald Area of Outstanding Natural Beauty

### **Hawkhurst Neighbour Development Plan (NDP)**

Policy HD4: Housing Design Quality  
Policy LP1: Views to Open Countryside

Policy LP2: AONB Support  
Policy LP3: Design of Green Spaces

## 6.0 LOCAL REPRESENTATIONS

- 6.01 A site notice was displayed outside of the property on the 21<sup>st</sup> of December 2022 to expire on the 11<sup>th</sup> of January 2023.
- 6.02 No representations have been received.

## 7.0 CONSULTATIONS

- 7.01 KCC Highways  
(28/02/23) - *'Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.'*
- 7.02 Hawkhurst Parish Council  
(14/03/23) – *'Whilst HPC [Hawkhurst Parish Council] would prefer to avoid the loss of front gardens for parking and HD4 of the NDP states that parking should be discreet, the lack of off-road parking in All Saints causes significant issues. Therefore HPC supports this application.'*

## 8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 None provided

## 9.0 BACKGROUND PAPERS AND PLANS

- Application Form
- Site Location Plan – PL002
- Existing and Proposed Drawings – PL003

## 10.0 APPRAISAL

### Principle of Development

- 10.01 The subject dwelling is located within the Limits to Build Development and within an Area of Outstanding Natural Beauty (AONB). In such areas, developments to create off road parking are acceptable in principle provided they do not negatively impact the AONB, visual and residential amenity and the character of the street scene. These matters are discussed below.

### Visual Impact

- 10.02 Within the wider area, there are several examples of properties where the front garden has been converted into a parking space, so the creation of off-road parking at the subject property will not appear out of character. Such arrangements are commonly found in built-up areas. The loss of the front garden does not cause significant harm to the character and appearance of the surrounding area.
- 10.04 Policy HD4 of the Hawkhurst NDP refers to the creation of new parking stating, *"Car Parking is to be discreet"* and in this instance the parking provision will be visible from the public realm. However, as already stated the creation of hardstanding would not appear out of character within the wider residential context.
- 10.05 It is also noted that the subject property is situated within a residential housing development where there is some degree of uniformity between the appearance of

dwellings. However, the proposal will not alter the scale or footprint of the dwelling, and no alterations to the main dwelling are sought.

### **Impact on AONB**

- 10.06 It is noted that the property is situated within the AONB, and Paragraph 174 of the NPPF states planning decisions should contribute to and enhance the natural environment by preserving protected landscapes and Paragraph 176 explains how 'great weight' should be given to conserving the scenic beauty of AONBs. Core Policy 4(1) encapsulates the LPA's statutory duty to protect the AONB by stating 'the Borough's urban and rural landscapes, including the designated High Weald AONB, will be conserved and enhanced'.
- 10.07 In this instance, the proposed alterations will occur within an established urban/residential street within Hawkhurst. The area does not have a sense of openness or a rural character which is common within other areas of the AONB outside of built up areas. Assessing the impact on the natural landscape through the context of this application, it is clear that the proposed development would be secluded, relatively low level, contained within a defined residential context and modest in terms of its overall size. There would therefore be little to no impact on the AONB and the development in question does not raise notable concerns from the perspective of protecting the AONB.
- 10.08 It is also noted that Policies LP1, LP2 and LP3 of the Hawkhurst NDP seek to prevent harm to the wider landscape and AONB. However, as already established the proposal is relatively minor and will not impact the wider landscape or AONB.

### **Residential Amenity**

- 10.09 The proposed alteration can be regarded as a relatively minor alteration from the perspective of neighbouring properties. The proposal will not change the scale, form, or appearance of the main dwelling. As the works are limited to a dropped kerb and additional hardstanding, the proposal will not cause any overlooking, overshadowing nor overbearing effects, and overall, the proposal will have little to no impact on the surrounding residential amenity.

### **Highway safety**

- 10.10 KCC Highways do not raise objections to the proposal from a highway safety perspective.
- 10.11 As highlighted by Hawkhurst Parish Council, the area surrounding All Saints Road has ongoing issues with the amount of on street parking available. However, parking convenience is not a matter that carries any more than minimal weight in planning decisions.
- 10.12 The proposed driveway will be constructed using permeable paving. This will ensure the proposal does not result in additional surface water flooding to the public highway by preventing rainwater from flowing from the driveway onto the road and footpath in front of the property.

### **Conclusion**

- 10.13 This application seeks planning permission for creation of a new dropped kerb and additional hardstanding within the front garden to create a new off road parking space. The proposal has been assessed to not cause significant harm to residential or visual amenity, and no harm to the AONB has been identified. The application is therefore considered to comply with the relevant local and national policies.

**11.0 RECOMMENDATION** – GRANT subject to the following conditions;

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:
  - Site Location Plan – PL002
  - Proposed Drawings – PL003

Reason: To clarify which plans have been approved.

3. The development shall be carried out in strict accordance with the details of external materials specified in the application which shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

**INFORMATIVES**

- (1) It is the responsibility of the Applicant to ensure that all necessary highway approvals and consents (where required) are obtained before undertaking any work outside the property's curtilage and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land' Some of this land is owned by Kent County Council (KCC), whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at Highway boundary enquiries - Kent County Council.
- (2) The Applicant must also ensure that the details shown on the proposed plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the Applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Andrew McLachlan-Newens

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.