

Appeal Decision

Site visit made on 15 June 2016

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 October 2016

Appeal Ref: APP/T2215/D/16/3146633
168 Dartford Road, Dartford, Kent, DA1 3EX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gibbins against the decision of Dartford Borough Council.
 - The application Ref DA/15/01639/FUL, dated 3 November 2015, was refused by notice dated 29 December 2015.
 - The development proposed is for a two storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed scheme on the living conditions of the occupiers of 166 and 170 Dartford Road (Nos.166 & 170) with particular regard to visual impact and daylight.

Reasons

3. The Appeal property is located within a row of narrow terraced two storey houses, with a variety of single and two storey rear projecting wings. This includes a single storey projecting wing at the rear of the appeal property which projects more than three metres into the rear garden environment. It is attached to a single storey rear projecting wing at No.170 and is sited some 1.5 metres from the side boundary with No.166. Accordingly the existing single storey wing at the Appeal property does not have a material impact on the outlook from the adjacent dwellings.
 4. Together and amongst other things policies B1 and H14 of the Borough of Dartford Local Plan (Local Plan) seek to ensure that new development does not materially harm the living conditions of local residents. It should not result in a serious loss of daylight or have an overbearing visual impact. With this in mind Appendix 11 of the Local Plan advises that two-storey rear extensions to terraced houses will not normally be permitted unless it can be established that there will be no undue impact on the living conditions of the occupiers of the adjoining dwellings.
 5. There is a similar two storey extension to the rear of 172 Dartford Road (No.172) which has an enclosing impact on the outlook from the rear first floor
-

window at No.170. Despite this the first floor rear bedroom at No.170 benefits from an open and favourable southerly and westerly aspect over the rear garden environment.

6. With the proposal the proposed two storey extension would be located immediately to the west and approximately 0.5 metres from the first floor bedroom window at No.170. Together with the existing extension at No.172 it would have a tunnel effect in the outlook from the bedroom window at No.170. The two flank walls would totally dominate and have an enclosing and overbearing visual impact on the outlook from the first floor rear bedroom window. It would also reduce the level of natural light within the bedroom concerned.
7. As a result the proposal would seriously and unacceptably harm the living conditions of the occupiers of No.170. This harm could not be satisfactorily addressed through the imposition of conditions.
8. The proposed extension would be sited to the east and at least one metre from the adjacent first floor bedroom window at No.166. Although there is a two storey wing to the rear of a dwelling further to the west of No.166, it is some distance away and does not impact on the outlook from any windows at No.166. Accordingly, although the proposed extension would have an enclosing impact on the outlook from the rear first floor bedroom window at No.166, it would not be visually overbearing. This is partly due to the distance between the proposed extension and the bedroom window and partly because the bedroom would still benefit from an open and favourable southerly/westerly aspect.
9. Finally, the design of the proposed extension is simple and uncluttered and would reflect that of other rear extensions in the immediate area. The proposed roof lights would be modest in size and form and would not impact on the character and appearance of the host dwelling or the living conditions of any local residents. For these reasons the proposed scheme would respect the character and appearance of the host terrace and the surrounding area.
10. Whilst I have found in favour of the Appellant on some points, this would not outweigh the harm that would be caused to the living conditions of the occupiers of No.170. This harm would also outweigh the benefits that would result from the proposed additional living space for the Appellant and his family, who have lived in the area for many years.
11. I conclude that the proposal would unacceptably harm the living conditions of the occupiers of No.170 due to its visually overbearing impact and associated loss of daylight. It would therefore conflict with policies B1 & H14 and Appendix 11 of the Local Plan.

Elizabeth Lawrence

INSPECTOR

