

Appeal Decision

Site visit made on 19 December 2016

by P W Clark MA MRTPI MCMI

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

Decision date: 4 January 2017

Appeal Ref: APP/T2215/D/16/3161958

8 Essex Road, Longfield, DA3 7QL

- 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 Lisa Miller against the decision of Dartford Borough Council.
 - The application Ref DA/16/01040/FUL, dated 27 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is rear and side extensions.
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Decision

1. The appeal is dismissed.

Procedural matters

2. There are discrepancies in the submitted plans in that the proposed side elevation shows no window opening whereas the proposed ground floor plan shows a bathroom window in the side elevation. The block plan and the roof plan both show that the front half of the side extension would have a pitched roof contained within the property boundary whereas the proposed front elevation shows that the eaves would overhang the property boundary.
3. The appellant's agent advises that the proposed ground floor plan correctly shows what is intended regarding the side window and that the pitched roof of the side extension would terminate in a gutter behind a parapet, in the manner shown on the rear elevation. I have considered the proposal based on this advice.

Main Issues

4. The two main issues in this case are the effects of the proposal on the living conditions of occupants and future occupants of the site itself in terms of amenity space and of occupants of the neighbouring property number 12 in terms of light, privacy and outlook.

Reasons

Neighbours

5. Essex Road is a street of great variety. Although most properties are two storey houses, some are positioned close to the road, whilst others are set back. The appeal site is a bungalow, set so far back from the road that its front elevation lies further away from the road than the rear elevation of its neighbour, number 12.
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6. Number 12 is on slightly higher ground than number 8 and is generally separated from it by the latter's garage which is lower than the main bungalow and so only rises about 600mm above the fence on the common boundary. However, the proposal would rise about 600mm higher still and would extend for about twice the distance along the boundary, towards the rear rather than towards the front. It would form the boundary for about half the length of number 12's rear garden at a height about double that of the existing garden fence and so would give a poor outlook to the garden of number 12.
7. Because the garden of number 12 is narrow, the effect of the shadow cast by the extension as the sun moves around to the west would be disproportionate. The French windows in the rear wall of the living room are recessed into a light well which receives such light as it does receive from across the front of number 8 above a screen wall within the curtilage of number 12 and so would be unlikely to be much affected by the proposal. There are only windows to non-habitable rooms in the ground floor of the rearmost part of the elevation and so the loss of light to these would be insignificant. But the effect of the greater shadow cast on the part of the garden nearest to the house, most likely to be used as an outdoor living space would be unacceptable.
8. Furthermore, the proposed bathroom window would give directly onto this space. Even if obscurely glazed and fixed shut, the close proximity would lead to an unwarranted intimacy and intrusion.
9. I conclude that the effects of the proposal on the living conditions of the residents of number 12 would be unacceptable. The proposal would conflict with policies B1(d) and H14 of the Borough of Dartford Local Plan adopted in April 1995. These require consideration for the living conditions of neighbours. It would also conflict with policies DP2(2) and DP7(3)(d) of the emerging Dartford Development Policies Plan published (pre-submission) in December 2015 which require proposals to relate to their neighbours and to cause no harm to residential amenity.

Occupants

10. As can be seen from the submitted location plan, the appeal site has a wide frontage and so, despite the bungalow's large set back from the street, it has one of the largest rear gardens in the neighbourhood. Although the proposed extension would reduce this somewhat and there is an existing covered swimming pool which occupies about half the width of the rear garden area the open rear garden which would remain would still be comparable with many in the vicinity and adequate for the size of the property. In addition, although enclosed, the swimming pool should be regarded as amenity space.
11. I therefore conclude that the proposal's effect on the living conditions of the occupants and future occupants of the site would be acceptable. Policies B1 and H14 from the adopted Local Plan which are cited in the Council's reasons for refusal refer to the living conditions of neighbours rather than occupants but, if applied to occupants, the proposal would comply. It would also comply with policy DP7(1) of the emerging plan which refers to the maintenance and provision of an appropriate range of housing stock and garden sizes. However, this does not make good the conflict with other provisions of the adopted and emerging development plans which reflect the adverse impacts the proposal would have on the living conditions of neighbours.

12. I take note of the personal circumstances of the appellant which give rise to this proposal but the development would be a permanent structure, the effects of which would outlast the needs of present occupants. I also take note of the appeal decision referred to but as that is for a two storey extension and the relationship with its neighbour described in the appeal decision is quite different from that in the current appeal, it has no relevance to my present decision. Accordingly, the appeal is dismissed.

P W Clark

Inspector