

Appeal Decision

Site visit made on 13 December 2016

by David Cliff BA Hons MSc MRTPI

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

Decision date: 17th January 2017

Appeal Ref: APP/T2215/D/16/3161646
19 The Green, Darenth DA2 6JS

- 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 Lee Horton against the decision of Dartford Borough Council.
 - The application Ref DA/16/01175/FUL, dated 15 June 2016, was refused by notice dated 20 October 2016.
 - The development proposed is 'a double wooden car port structure with a flat roof, no side walls to be erected over our existing driveway'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal property is situated within in a row of four dwellinghouses located at right angles to the estate road 'The Green'. The properties have large front garden/forecourt areas which adjoin a communal play area. There is a low rail fence adjacent to the 'The Green' but otherwise the frontage areas to these four properties are open and devoid of structures or fencing. There are several mature trees located on the frontages including one to the front of the appeal property. The branches of adjacent trees at neighbouring properties also overhang the driveway and parking area of the appeal site.
 4. The proposed car port structure would extend across a large part of the width of the existing dwellinghouse. With a maximum height of 2.6m, its roof would be higher than the eaves level of the front porch roof and the lintel of the adjacent front window on the left hand side of the dwellinghouse (as viewed from the front). The car port would be of a substantial size and, whilst being open sided, its structure would still be clearly visible in views from around the site, including from The Green.
 5. Whilst I acknowledge the efforts taken by the appellant to seek to blend the structure in to the surroundings, located at the front of the existing property, I consider that the proposal would appear as an unacceptably incongruous and dominant addition in this location, upsetting the predominantly open frontage of this row of properties.
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6. I also note that no objections have been received from neighbouring properties and that the appellant states that neighbours are looking at similar options. However, the lack of objection from neighbouring properties does not remove the requirement for me to consider the merits of the proposal against the relevant development plan policies. Furthermore, whilst I have no details before me of any further proposals at neighbouring properties, this does not seem to me to be a favourable precedent to set given the harm that could accrue to the character and appearance of the area from similar developments.
7. In respect of other similar car ports already erected on the estate, I note the photographs submitted but I have not been provided with details of the circumstances of their approval or their precise location. In any case I have considered the current proposal on its individual merits taking into account its location to the front of the existing dwelling along with the character and appearance of the area in the immediate vicinity of the appeal site.
8. The proposal would result in an unacceptable impact upon the character and appearance of the area. It would be contrary to the design aims of policies B1 and H14 of the Dartford Local Plan 1995 and policy DP2 of the Dartford Development Policies Plan (December 2015). The weight of the later policy is limited as the emerging plan is still under examination, though this does not alter my conclusions on the merits of this proposal.
9. I have had regard to the appellant's reasons for requiring the proposed car port and I note the difficulties the applicant is experiencing from parking vehicles under and close to the existing trees, as evidenced by the submitted photographs. In terms of potential damage from falling branches, I am not aware of any arboricultural investigation having taken place to determine the likelihood of branches falling from the trees during strong winds, or whether there have been discussions with the Council regarding the possible need to remove certain unsafe branches should this be required. I have given moderate weight to the benefits that would accrue from the proposal for the appellant, but find that they are outweighed by the harm identified above upon the character and appearance of the area.
10. The Council refers in its officer report to the site's location within the Green Belt, although does make an assessment of whether the development would be appropriate or whether it would result in any harm to its openness. Relevant Green Belt policies or any findings of harm in this respect are not referred to its reason for refusal. As I have found the proposal to be harmful in respect of the main issue, I have not considered the Green Belt implications any further.
11. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR