
Appeal Decision

Site visit made on 3 January 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 17th January 2017

Appeal Ref: APP/T2215/W/16/3160120
253 Watling Street, Kent, Dartford DA2 6EG

- 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 R Ponnampalanathan against the decision of Dartford Borough Council.
 - The application Ref DA/16/00991/COU, dated 15 June 2016, was refused by notice dated 11 August 2016.
 - The development proposed is change of use of part of the rear ground floor level from residential (Use class C3) to retail (Use class A1) together with erection of a detached storage unit at rear in connection with existing retail shop and provision of an additional entrance door on front elevation connection with reconfiguration of existing first floor flat to a self contained studio flat.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have taken the description of the proposed development from the Council's decision notice as this provides a clearer and more accurate description than that provided on the application form.

Main issues

3. The main issues are whether the proposal would provide adequate living conditions for any future occupiers with particular regard to external amenity space; and the effect of the proposal on highway safety.

Reasons

Living conditions

4. The appeal property comprises a convenience store and part of a residential unit at ground floor level with the remainder of the residential unit at first floor level. The residential unit can be accessed through the convenience store and also from a door to the rear of the appeal property which also provides direct access to a rear garden space for any occupiers of the residential unit.
 5. The proposal would convert the ground floor part of the residential unit to provide additional retail floorspace and storage for the convenience store and would provide a self-contained residential unit at first floor level with separate access from the street.
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6. No access would be provided from the proposed residential unit to the rear garden area. As such, there would be no provision of any private external amenity space for any future occupiers to sit out and relax or to utilise for purposes such as the drying of clothes. In addition, the Council sets out that there are no public open spaces within easy walking distance from the appeal property that could go some way to mitigate the lack of private amenity space provision. I have no substantive evidence before me to demonstrate otherwise.
7. Consequently, the proposal would provide inadequate living conditions for any future occupiers in respect of external amenity space provision. This would be contrary to Policy CS17- Design of Homes, of the Dartford Borough Council Core Strategy 2011 (Core Strategy). This policy requires, amongst other things, that new homes provide useable private amenity space. This policy is consistent with the broad aims and objectives of the National Planning Policy Framework which require planning to secure a good standard of amenity for all future occupants of land and buildings.
8. Whilst the Council cites conflict with saved Policies B1 and H13 of the Borough of Dartford Local Plan 1995 (Local Plan), these policies do not specifically relate to the living conditions of any future occupiers and are therefore of no particular relevance to this main issue.

Highway safety

9. The Council sets out that to comply with its parking standards, as shown in its Parking Standards Supplementary Planning Document 2012 (SPD), one parking space should be provided. Saved Policy T23, of the Local Plan, requires adequate off street parking to be provided. The proposal would not provide any off street parking and would therefore conflict with the advice of the SPD and the requirements of Policy T23, of the Local Plan.
10. The Council suggests that the residential unit is likely to be occupied by people associated with the convenience store. However, no substantive evidence has been provided to support this assertion. I therefore take the view that the residential unit could also be, given its separate access from the rear, occupied by people not involved in the convenience store. It is therefore reasonable to conclude that any occupiers not involved in the convenience store who may own a car would already require on street parking. Consequently, the proposal is unlikely to increase the demand for on street parking.
11. Moreover, whilst only a snapshot in time, I observed during my site visit, which occurred mid-morning, that there were no parking restrictions along Watling Street in the vicinity of the appeal property and there were numerous opportunities to park along this road. There is no substantive evidence to suggest that this situation is likely to significantly alter at other times of the day. I also note that Kent County Council Highways and Transportation department has not raised any concerns in respect of the proposal.
12. I acknowledge the Council's concerns that the proposed increase in the floorspace of the convenience store could generate additional delivery vehicle and customer vehicle movements. Nevertheless, there is no substantive evidence before me to demonstrate that this would necessarily be the case. Even if it were, the Council has not demonstrated, with any clear evidence, that this would inevitably have a harmful effect on highway safety.

13. I have also had regard to the concern of an interested party that some customers of the convenience store park across their vehicular access. I appreciate this must be frustrating. However, for the reasons given above, I am not persuaded that the proposal would exacerbate this existing concern.
14. I therefore conclude that whilst conflict would arise with the Council's parking standards as set out in the SPD and with Policy T23, of the Local Plan, the proposal would not generate any additional demand for on street parking and as such, would not result in any harm to highway safety.

Other matters

15. I acknowledge that the proposal would provide greater convenience for any customers and employees of the convenience store. However, this matter would not outweigh the harm I have identified in respect of the living conditions for any future occupiers of the proposed residential unit.
16. I have taken into account other interested party concerns, including in respect of privacy and noise and disturbance. However, these matters were not raised as a concern by the Council and on the basis of the evidence before me, I have no substantive reasons to take a different view.

Conclusion

17. Whilst I have not found harm to highway safety, I have found that the proposal would provide inadequate living conditions for any future occupiers. This harm would outweigh any benefits. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR