
Appeal Decision

Site visit made on 12 January 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 1 February 2017

Appeal Ref: APP/T2215/W/16/3160617

1 Priory Gardens, Dartford DA1 2BE

- 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 Mrs P Rana against the decision of Dartford Borough Council.
 - The application Ref DA/16/00826/FUL, dated 25 May 2016, was refused by notice dated 16 September 2016.
 - The development proposed is two storey side extension by removal of existing flat, and introduction of 2 flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development includes a two storey rear extension to the existing house in addition to the development described. The Council dealt with the proposal on this basis and so shall I.
3. I note that the draft Dartford Development Policies Plan has been submitted for examination but I am not aware of the exact stage it has reached. The Council have confirmed that the extent of outstanding objections is limited and relevant policies are not subject of main modifications following examination hearings, although it is not clear whether the policies concerned will be considered as consistent with the National Planning Policy Framework (the Framework). Consequently, I am only able to give it limited weight in my decision.

Main Issue

4. The main issue is whether prospective occupiers would enjoy satisfactory living conditions by reason of the outside amenity space.

Reasons

5. 1 Priory Gardens comprises a semi-detached property with single storey extension to the side that forms a separate dwelling. It is located on a triangular plot with a rear garden covered in shingle, containing a storage shed, and concrete front and side gardens that provide parking for occupiers of the two dwellings.
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6. The proposal would result in the replacement of the side extension to the building and replacement with a larger, two storey extension comprising two flats that extends to the side boundary of the property. The existing dwelling would be extended to the rear over two floors to reflect the extension on the attached dwelling and provide an en-suite bathroom to the rear bedroom.
7. The garden would be divided between the house and the two flats, such that the house would have its own private outside amenity area. The Council accept that the size of the garden would be sufficient to provide adequate outside amenity space for occupiers of the dwelling and I see no reason to disagree with their conclusion in this regard. However, there is no rear door to the extended property and there is no other means for occupiers to access this garden area, such that it would not be accessible by occupiers of the dwelling.
8. The two flats would be provided with outside amenity space in the garden to the rear, with access from the ground floor flat. That outside amenity space would be sufficient to meet the needs of occupiers of that flat.
9. The first floor flat has no access to outside amenity space, either directly from the flat, or around the outside of the building given that it would extend up to the side boundaries. Whilst it would be provided with Juliette balconies, these would not provide any usable outside amenity space.
10. My attention has been drawn to a number of other developments in the borough that have been granted planning permission where it has been suggested that the amount of outside amenity space required in this instance was not required in those cases. I have limited information regarding these cases and it would appear that what outside amenity space was proposed, would have been accessible from those properties. For those reasons, I do not consider that they are directly comparable and, in any event, I need to assess this case on its individual merits.
11. For these reasons, I conclude that the proposed house and first floor flat would not be provided with useable outside amenity space such that prospective occupiers would not enjoy satisfactory living conditions. In addition, the lack of access to outside amenity space from those dwellings would comprise a poor design of development that does not improve the character and quality of the area and the way it functions. As such, the proposed development would be contrary to Policy CS17 of the Dartford Core Strategy, Policies B1 and H13 of the Dartford Local Plan and the Framework that seek to provide a high standard of design, including useable private amenity spaces for proposed residential development.

Conclusion

12. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR