
Appeal Decision

Site visit made on 20 February 2017

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 27th February 2017

Appeal Ref: APP/T2215/D/17/3167825

Bonnieview, Barn End Lane, Wilmington DA2 7PP

- 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 Tim Stevens against the decision of Dartford Borough Council.
 - The application Ref DA/16/01386/FUL, dated 1 September 2016, was refused by notice dated 31 October 2016.
 - The development proposed is described as 'the demolition of the existing porch and rear conservatory and erection of front and rear extension with gable end rear elevation together with raising height and alterations to roof line to create new loft floor plan'.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing porch and rear conservatory and erection of front and rear extension with gable end rear elevation together with raising height and alterations to roof line to create new loft floor plan at Bonnieview, Barn End Lane, Wilmington DA2 7PP, in accordance with the terms of the application, Ref: DA/16/01386/FUL, dated 1 September 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has submitted additional information with his appeal in the form of a suncast analysis¹. The Council did not ask to comment on this additional information and confirmed in its appeal questionnaire that it was content for the appeal to follow the Householder Appeal Service. The appeal has been determined accordingly.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of The Barn with particular reference to outlook and 'light'.

Reasons

4. Bonnieview is a bungalow set back from Barn End Lane behind a front garden. To the north of the appeal property is The Barn, which is also a bungalow, which is set slightly closer to the road than Bonnieview. The Barn is wider and narrower than Bonnieview and has been extended to the rear with a flat roofed

¹ Existing and Proposed Suncast Analysis by Energy Engineering Ltd

- single storey addition and conservatory. The Barn benefits from a comparatively wide garden.
5. The appeal scheme would involve a significant remodelling of Bonnieview, which will include a new two storey gable slightly inset from the northern boundary. There would also be two double storey rear gable extensions, which would increase the ridge height of the property although the drawings show the eaves height remaining at 2.55m.
 6. The proposed north facing gabled extension to the principal section of the property would be located just inset from the northern boundary of the property and would be positioned behind the original rear elevation of The Barn. Consequently, it would broadly align with the flat roofed single storey extension and conservatory to the rear of The Barn. This proposed position, towards the front of the appeal property, would ensure the proposed gable was not towering over the rear garden of The Barn leaving a satisfactory outlook from this part of the neighbouring property.
 7. The proposed rear extension would be more apparent from the garden of the The Barn than the north facing gabled extension would be. Nevertheless, it would only project slightly past the conservatory at The Barn, would pitch away from the boundary and would retain the existing eaves height. On balance, the combination of these factors would be sufficient in ensuring any effect on the outlook from the garden of the The Barn, which would arise from the appeal scheme, would not amount to harm.
 8. The outlook from within The Barn would not be harmed either, as the extensions would be a reasonable distance from the conservatory. This is significant as the conservatory is the closest part of The Barn with a notable window facing the appeal site. There is a small window in the flat roofed rear extension at The Barn facing the appeal site but this has bars across it and appears obscured. As such, the outlook from the room this window serves would not be harmfully affected. Consequently, the proposed additions would not have an overbearing visual impact when viewed from within The Barn.
 9. The Council have suggested that the appeal scheme would cause a loss of light. It is unclear whether the Council are referring to sun light or day light so I have considered both. Furthermore, it is unclear what analysis the Council undertook to reach this conclusion or which part of the property it considers would be adversely affected. In response, the appellant has prepared a sun cast analysis which demonstrates the appeal scheme would have little impact on direct sunlight penetration to The Barn for much of the year. The assessment appears robust and I have no reason to dispute its findings. As such, I am satisfied the analysis demonstrates the appeal scheme would not seriously or harmfully reduce direct sun light penetration to The Barn.
 10. In respect of ambient daylight, which can be measured vertically, the rear elevation submitted by the appellant² demonstrates that there would be a noteworthy gap between the rear windows and conservatory of The Barn and the proposed extensions. Furthermore, the conservatory has glazed walls to three sides, appears to omit some daylight through the roof and daylight penetration to much of the rear garden would be would remain unaffected by the proposed extension. As a consequence, the appeal scheme would not

² Drawing RDC/BV/002

result in a serious or harmful reduction in daylight to the The Barn or important areas of the rear garden.

11. The appeal scheme would not adhere to the guidance in Appendix 11 of the Local Plan, which supports Policy H14. This is because, for example, it would not be set in 2m from the boundary. I have identified no harm arising from the conflict with the design guidance in Appendix 11 and therefore this is not a matter that would justify the withholding of planning permission.
12. I therefore conclude that the appeal scheme would not have a harmful impact on the living conditions of the occupants of The Barn. As a result, the appeal scheme would adhere to Policies B1 and H14 of the Borough of Dartford Local Plan 1995, which seek to protect the residential amenity of adjoining properties. These policies are broadly consistent with Paragraph 17 of the National Planning Policy Framework and can therefore be afforded significant weight. The proposal would also adhere to emerging Policy DP5³, which has similar aims to the current development plan policies and can thus be afforded substantial weight given its stage of preparation.

Conditions

13. I have had regard to the advice in the Planning Practice Guide and the list of conditions suggested by the Council. In the interest of safeguarding the character and appearance of the area and the living conditions of neighbours, it is necessary to ensure the proposed development is constructed in accordance with the approved drawings, the finishing materials match the existing building and that first floor side windows are high level and/or obscured.
14. It is unnecessary to exceptionally remove permitted development rights for additional openings in the roof as the Town and County Planning (England) (General Permitted Development) Order 2015 (as amended) includes conditions⁴ which would prevent any unreasonable overlooking.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

³ Of the Dartford Development Policies Plan Publication (Pre Submission) Document 2015

⁴ See part 1 Class A A.3 (b) and Class B B.2 (c) and Class C C.2

Schedule of Conditions

- 1) The development hereby permitted shall commence not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans.
 - RDC/BV/001 – Site and Block Plan, RDC/BV/002 – Floor Plans, RDC/BV/003 – Loft Plans, RDC/BV/004 Roof Plans, RDC/BV/005 - Elevations and RDC/BV/006 Elevations .
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The first floor/roof windows in the northern side elevation, as facing the neighbouring property, shall either be:
 - Obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; or
 - High level only, being no more than 1.7m above the floor of the roof in which the window is installed.