

Appeal Decision

Site visit made on 27 March 2017

by Clive Tokley MRTPI

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

Decision date: 19 April 2017

Appeal Ref: APP/T2215/D/17/3168793

2 Studley Crescent, Longfield, DA3 7JL.

- 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 N Arshi against the decision of Dartford Borough Council.
 - The application Ref DA/16/01359/FUL, dated 25 August 2016 was refused by notice dated 18th November 2016.
 - The development proposed is a side and rear first floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and its effect on the living conditions of neighbouring occupiers as regards outlook and light.

Reasons

Character and appearance

3. The detached houses in Studley Crescent are built on a rectangular plan with their longest axis running parallel to the road. The planning history indicates that No 2 has been extended at the side and it has a longer front elevation than the nearby houses.
 4. The proposal would further increase the width of the house at first floor level above the garage. The north-west side of the proposal has not been correctly shown on drawing No PL-1627/02 and in reality this elevation would appear as a gable end towards the front with the roof plane and eaves of the rear extension towards the rear. The side/rear extension would result in the two-storey flank wall being close to the boundary with No 4 extending back almost to the rear boundary of No 2. That wall would be partly screened by vegetation in the garden of No 4; however this would not fully disguise its presence and cannot be relied on in the future.
 5. The depth of the flank wall and its proximity to the neighbouring property would be uncharacteristic of this spacious street. The flank wall would be seen from the street through the space between No 2 and No 4 and as a result of its bulk
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and rearward projection the proposal would appear as an incongruous addition that would fail to respect the distinctive pattern of development in Studley Crescent.

Living conditions

6. The main outlook from No 4 Studley Crescent is to the rear however there is a main bedroom window and a conservatory on the end elevation facing the appeal property. The conservatory has a wide aspect and I consider that overall the outlook from that room would not be unacceptably harmed; however in the context of the open character of the area the flank wall would be a dominant and un-neighbourly presence that would be would unacceptably harmful to outlook from and enjoyment of the main side/rear garden of No 4. The rear-most part of the proposal would be separated from the garden of The Shian by outbuildings in that garden and would have very limited effect on outlook at the rear of that dwelling.
7. The rearward projection would lie to the east/south east of No 4 Studley Crescent and would be likely to cut out some direct sunlight to that dwelling, including its conservatory on the south east facing wall. However as a result of the distance between the buildings and the open aspect to the south the proposal would not result in an unacceptable loss of daylight. Given the presence of the outbuildings and the distance between the proposal and the rear wall of the dwelling the proposal would have no material affect on daylight at the rear of The Shian.
8. The occupiers of No 4 Studley Crescent have indicated concern about overlooking from the side window facing their property, but this is a secondary window and could be fitted with obscured glass with limited opening.

Other considerations

9. The appellant indicates that the additional accommodation is needed to house his extended family that includes three generations with a total of four children. He indicates that if additional accommodation cannot be provided on the site their normal life style and culture would be disrupted.
10. I have considered the rights of the appellant under Article 8 of the European Convention on Human Rights. Article 8 affords the right to respect for private and family life, including traditions and culture. However this is a qualified right and where it is in the public interest interference with that right may be justified. In making judgments on this issue it is essential that decisions are proportionate.
11. The house currently has four upstairs bedrooms with three bath/shower rooms (two en-suite). At ground floor level there is a large kitchen/diner, with separate rooms identified as a lounge, family room and study. It appears to me that additional living accommodation could be created within the envelope of the existing building (including the garage) and that further accommodation could be provided by extending the building without causing the harm that would arise from the appeal proposal.
12. I therefore conclude that a refusal to grant permission would not unreasonably infringe the rights of the appellant to family life and that the benefits that the

appellant and his family would derive from the extension are not sufficient to outweigh the harm that would arise from the proposal.

Conclusion

13. I have concluded that the proposal would be unacceptably harmful to the character and appearance of the area and would unacceptably detract from the living conditions of the occupiers of No 2 Studley Crescent as regards outlook. For these reasons the proposal would conflict with Policies B1 and H14 of the *Borough of Dartford Local Plan 1995* (LP) which indicate amongst other things that development in general and house extensions in particular should pay due regard to the character of the locality and should not have an overbearing visual impact. Whilst the LP predates the National Planning Policy Framework those objective are consistent with the Framework which indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
14. The refusal reasons refer to emerging Policies DP2 and DP7 of the *Development Policies Plan* document (DPP). I have extracts from the Council's 2015 pre-submission document but I have received no indication of the current status of that document and I have therefore relied on the LP policies which are generally consistent with the Framework.
15. Taking account of all matters I have concluded that the appeal should not succeed.

Clive Tokley

INSPECTOR