
Appeal Decision

Site visit made on 18 July 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 28th July 2017

Appeal Ref: APP/T2215/W/17/3175353

Elmbank, Red Street, Southfleet, Dartford, DA13 9QL

- 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 Ken Judge against the decision of Dartford Borough Council.
 - The application Ref DA/16/01269/FUL, dated 8 August 2016, was refused by notice dated 31 October 2016.
 - The development proposed is demolition of 2no existing outbuildings and the erection of a 4 bedroom chalet style bungalow with new vehicular and pedestrian access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the original application, the Council has formally adopted the Dartford Development Policies Plan in July 2017 (DPP). In their decision notice the Council quoted Saved Policies B1, V2 and T23 of the Dartford Borough Local Plan (1995), and these are now superseded by DPP Policies DP2, DP4 and DP7. Policy CS10 and CS17 from the Dartford Core Strategy 2011 (CS) remain in place.
3. For clarity, I have therefore determined the appeal based upon the above policies which now form the adopted development plan. I have also taken into consideration the Dartford Housing Windfall Supplementary Planning Document 2014 (SPD) as a material consideration.

Main Issues

4. The main issues are whether the site is a suitable location for residential development in respect of (a) access to everyday local facilities, by a range of modes of transport and (b) the effect on the character and appearance of the area and (c) highway safety.

Reasons

Location of Development

5. The proposed erection of a bungalow within the rural village of Southfleet would constitute windfall development under CS Policy CS10. Part 4) a) of the policy requires consideration of the suitability of the site for housing in respect of whether the land is previously developed, accessibility of the appeal site and in respect of forming balanced and integrated communities. The SPD provides further guidance and criteria on these requirements. The overall emphasis is to

ensure that windfall development is well-located in respect of public transport, jobs, shops and community services, as well as making the best use of previously developed land.

6. The appeal site forms part of an existing side garden area, currently serving Elmbank. It is accepted that on the basis of the National Planning Policy Framework (the Framework) and in respect of recent case law¹ the appeal site would not meet the definition of previously developed land.
7. Services within Southfleet are limited to a primary school which is around 0.2km from the site. I also noted at my site visit that the village is served by a Public House, located near to the school. The village has no other services or facilities. As such, residents of the proposed development would need to travel elsewhere for their day-to-day needs in respect of cultural, recreational, employment and retail facilities.
8. Southfleet is located rurally and accessed via narrow and winding country lanes which do not have footpaths or street lighting. As such, it is doubtful that potential future occupiers would access essential services in other settlements on foot or by bicycle.
9. In terms of public transport, evidence has been provided in respect of a number of bus services and there is a bus stop around 165m away from the appeal site. However, I have no information relating to the frequency of such services. A railway station at Longfield is also located around 3.6km away, but again I have no details of where this would serve or the frequency of trains. Access to this in itself is also likely to require use of a car.
10. Consequently, while some everyday needs may be met by the bus services, I find that use of a car would still be necessary and that these options would be highly unlikely to represent a realistic travel choice for many regular journeys resulting in reliance on unsustainable forms of travel.
11. Furthermore, while I accept that most of the existing residents within the village rely on private car, due to a lack of access to services and facilities, the frequency of such necessary journeys even from the erection of a single dwelling would also further encourage the use of unsustainable forms of transport and would not justify the appeal proposal.
12. Part 4) b) of Policy CS10 requires an assessment of whether benefits outweigh disbenefits. The appellant submits that any disadvantages would be outweighed by the economic and social advantages of providing a dwelling. However, this has been framed in general terms and is not explicit. While I acknowledge that the proposal would contribute to the supply of housing, as a single dwelling, the economic and social benefit would be minimal.
13. On this basis, I do not consider that development in this location would provide accessibility and social support to future residents and the social and environmental harm I have identified would outweigh the very limited benefits of the scheme. The development would therefore conflict with CS Policy CS10 and the SPD.

¹ Dartford BC v Secretary of State for Communities and Local Government (March 2017)

Character and Appearance

14. The appeal site forms part of the side garden to Elmbank and occupies an elevated position above Red Street, behind a retaining wall. This area is currently lawned with areas of established planting. Elmbank currently forms the final property in a row of detached bungalows and 1 1/1 storey dwellings. To the south are a row of 2 storey dwellings which front on to Monkswalk with their rear gardens extending to Red Street. The area has a mixed character with dwellings of a variety of ages, architectural styles and densities.
15. The appeal plot would be relatively narrow and the proposed bungalow would extend across the full width of the plot. In order to create an access and parking, the front garden area would be excavated and lowered to the level of the road. The development would be located on higher ground behind retaining walls and would be access via a stepped ramp and separate staircase.
16. In spite of the mixed character of the area, I find that the addition of a dwelling within such a small plot with its necessary excavation, and retaining walls, would intensify and consolidate the built form and would have an urbanising effect. I also share the Council's concerns that there would be limited scope for landscaping. This effect would be particularly visible from within the street scene, causing harm and in light of my findings, would not be overcome through a condition relating to materials or landscaping.
17. I note that there are different forms of access and parking arrangements which have been created along Red Street in light of the local topography. I also note the similar arrangement at Greenbank to the appeal proposals, which is to the north of Elmbank. However this property has a greater set back from the road and has incorporated landscaping which helps to soften the overall effect. I am also unclear as to whether the plot size is comparable.
18. It is on this basis that I consider the development would be materially harmful to the character of the area and would not accord with DPP Policy DP4 and DP7 which seek to secure good design and ensure that access into the development does not create an undue disruption to the character and appearance of an existing road frontage.

Highway Safety

19. Red Street is a narrow road, serving a number of residential properties along its length. There are no footpaths and therefore Red Street is a shared space between pedestrians, cyclists and vehicles.
20. Residential properties along Red Street are served by private driveways and there is no on-street parking due to its width. Boundary treatments consist of solid brick walls which act as retaining walls due to the raised topography, as identified above, as well as hedgerows.
21. Parking for two cars would be provided as well as a turning area. No provision for visitor parking would be made.
22. Visibility along Red Street is limited due to its restricted width, topography and enclosure by existing boundary treatments. I saw on my site visit that, at present, some vehicles have to reverse out into the carriageway from private driveways. I also observed the presence of mirrors opposite a number of driveways to aid visibility.

23. While I recognise that such movements generated by the proposed development would not be overly excessive and that speeds would be low, on this basis of the above highways constraints, I consider that the safety of users would be compromised to a harmful degree.
24. Specifically, due to the plot size, the width of the access into the appeal site would be limited and visibility would be poor due to the topography and the presence of tall boundary walls adjacent to this. I consider that exiting vehicles from here would need to project out into the carriageway in order to gain views along its length and would result in significant risk to the highway safety of all users. Moreover, a lack of visitor parking would further compound that risk and could lead to vehicles reversing out from the turning area within the driveway.
25. I therefore conclude that the proposed dwelling would have an unacceptably harmful effect on highway safety. The proposal would therefore conflict with DPP Policy DP4 and DP7 which seek to ensure that the layout and siting of access is acceptable in terms of highway capacity and safety, free flow of traffic, and cyclists and pedestrians.

Conclusion

26. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

C Searson
INSPECTOR