



Appeal Decision

Site visit made on 4 July 2017

by Rory MacLeod BA MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/T2215/W/17/3172388 36 Priory Hill, Dartford DA1 2BH

- 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 D Singh against the decision of Dartford Borough Council.
 - The application Ref DA/16/01906/FUL, dated 29 November 2016, was refused by notice dated 1 February 2017.
 - The development proposed is conversion of house to provide two 1-bedroom flats with roof light. (appeal form: roof lights to loft room and the erection of a single storey rear extension)
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) the effect of the development on the living conditions of occupiers of the proposed flats and on neighbouring occupiers with regard to relevant local planning policies and (2) the effect of the development on on-street parking pressures.

Reasons

Living Conditions

3. The appeal site comprises a mid-terrace two storey house with two ground floor reception rooms and three first floor bedrooms. There are two storey terraced houses of varying design on both sides of Priory Hill and several of these have been converted to flats. Land levels rise from the road to the appeal property and also in the back garden towards a shed on the rear boundary. There is a driveway between 32a and 34 Priory Hill leading to a passageway to the rear of the site; the passageway could provide rear access to the site but is currently overgrown and appears disused. The front gardens on this side of Priory Hill are generally too short to provide off street parking. There was heavy on street parking in the immediately surrounding area at the time of my inspection.
4. It is proposed to convert the property into two 1-bedroom flats. A ground floor WC would be replaced by a rear extension some 2m deep along the boundary with 34 Priory Hill to provide a bathroom for the ground floor flat. The first floor flat would benefit from a study / store room within the loft with two rear

- roof lights. The drawings show an area for motor cycles in the front garden and cycle storage within the shed in the back garden.
5. Planning permission has previously been granted for the conversion of the property into two flats in 2009, but this permission has expired. In March 2016 permission was granted for the conversion of 40 Priory Hill into two 1-bedroom flats. This is a house in the same terrace and of identical design to the appeal property. The Council point to changes in the planning policy regime since that time to justify their decision to refuse permission to the appeal proposal.
 6. At the time of the decision to refuse planning permission, the development plan comprised the Borough of Dartford Local Plan 1995 (Saved Policies) (DLP) and the Dartford Core Strategy (September 2011) (DCS). The Dartford Development Policies Plan (December 2015) (DDPP) was a material consideration as an emerging development plan. Paragraph 216 of the National Planning Policy Framework (The Framework) states that decision makers may also give weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of these policies to the policies in the Framework. During the consideration of this appeal, in July 2017, the Council has formally adopted the DDPP. Its policies have been declared sound and therefore are compatible with the Core Strategy and the Framework as a whole. Accordingly substantial weight can be attributed to its policies.
 7. The housing policies of the DCS and saved policies of the DLP have supported the delivery of a range of housing including the conversion of houses to flats and the permission to provide two flats at 40 Priory Hill. However, Policy DP7 (4) of the DDPP introduced different criteria to guide the conversion of single dwellings to flats. Permission will not normally now be granted where the original net internal floor space is 120 square metres or less and the conversion of terraced houses will not normally be permitted. The appeal property is a terraced house with an internal floor area of approximately 85 square metres, significantly below the new threshold, and as such there is conflict between the proposal and DDPP policy DP7 (4).
 8. The supporting text to policy DP7 (4) points out that the Council is committed to providing a good housing mix and choice of housing types but that there is a particular need for homes for larger households, a use to which the appeal site is currently suited. The restriction on terraced houses is further justified by reference to the impacts such conversions have had on neighbouring occupiers through increased activity and disturbance and on the character of an area.
 9. The proposal would not be out of keeping with the character of Priory Hill given the number of properties already subdivided to flats, but there would be some effect on the living conditions of adjoining occupiers. The lounge and kitchen to the first floor flat would both adjoin bedrooms in adjacent houses. The relatively small size of the proposed flats and the restricted headroom within the study for the larger upper floor flat would also affect the living conditions of future occupiers. Having regard to these matters and to the substantial weight to be attached to the recently adopted DDPP, I find that the proposal would have an adverse effect on the living conditions of occupiers of the proposed flats and on neighbouring occupiers.

Parking

10. There is no on site car parking provision at the site at present and none is proposed. One refusal reason relates to the failure to provide adequate off-street parking but this requirement cannot readily be met at the site. The front garden is too short to provide a parking space and there would be practical difficulties in remodelling the rear access passageway to provide a parking space in the back garden. Even if access could be provided to a parking space in the front garden, this would be likely to reduce on-street parking capacity through the need to keep the access clear of parking. This is evident on the opposite side of Priory Hill where many dwellings have on-site parking and on-street parking is reduced. Few properties on this side of Priory Hill have on-site parking; on-street parking is available but is subject to heavy demand.
11. Policy T23 of the DLP encourages the provision of adequate off-street parking and appropriate rear access arrangements to properties. The more recent Parking Standards Supplementary Planning Document (adopted July 2012) (SPD) states that unallocated on-street parking is more flexible than on-plot parking, as it can accommodate visitors, deliveries and residents across the day and night. In relation to cycle and motorcycle/scooter/moped parking, the SPD states that wherever possible, parking should be incorporated within the curtilage of the building. The proposal includes provision for both motor cycle and cycle parking without inhibiting pedestrian access to the property. In relation to car parking, the SPD does indicate for 1 and 2 bedroom flats provision of 1.2 spaces per home with unallocated parking preferred. It is not possible to provide on-site parking in this instance, but unallocated on-street parking would be available for occupiers of the flats. Overall, I do not find conflict between the proposal and Policy T23 of the DLP or with the provisions of the parking SPD.
12. The sub-division of the house to two flats would result in a greater intensity of use and different patterns of activity, but this would not necessarily result in greater levels of car ownership. There are on on-street parking pressures in Priory Hill at the present time, but in my opinion the proposal would not significantly add to these pressures. However, my findings in relation to parking pressures do not outweigh the harm arising from the conversion of the property to two flats.

Conclusion

13. For the reasons set out above and having regard to all matters raised, and in particular to the recently adopted development plan policy DP7 (4), I conclude that although the development would not significantly affect on-street parking pressures, the proposed conversion of the property to two flats would adversely affect the living conditions of future occupiers of the flats and those of neighbouring occupiers. As such, the appeal should be dismissed.

Rory MacLeod

INSPECTOR