
Appeal Decision

Site visit made on 18 July 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 25 August 2017

Appeal Ref: APP/T2215/D/17/3177037

3 Wilmington Court Road, Wilmington DA2 7AT

- 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 Ms K Wright against the decision of Dartford Borough Council.
 - The application Ref DA/17/00227/FUL, dated 9 February 2017, was refused by notice dated 23 March 2017.
 - The development proposed is single storey side and rear extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was previously granted for single storey side and rear extensions at the appeal property with a similar design and footprint to the appeal proposal¹. The approved parapet walls were shown 0.6m higher than the eaves level of the existing bungalow. However the extensions were built with the parapet walls 1m higher than the existing eaves level. The appeal proposal seeks permission for the extensions as built. I have framed the main issues accordingly.
3. Since the appeal was lodged the Council has adopted the Dartford Development Plan Policies (DP) which now forms part of the statutory development plan for the area. The saved policies of the Council's Local Plan 1995, which were cited in the reasons for refusal, are therefore no longer in force. The appellant was given the opportunity to comment on this matter.

Main Issues

4. The main issues are the effects of the height of the proposed extensions on:
 - the character and appearance of the existing dwelling;
 - the living conditions of the occupiers of 1 and 5 Wilmington Court Road with particular regard to outlook.

¹ Application reference 16/00837/FUL

Reasons

Character and Appearance

5. The appeal property is a hipped roof, semi-detached bungalow and forms part of a row of similar properties on this side of Wilmington Court Road. The side extension is set back a considerable distance from the front wall of the appeal bungalow and a lesser distance behind the garage of the adjoining property at No 1. Nevertheless, it is clearly visible in views from the road. The parapet wall in the approved scheme would have projected a modest distance above the existing eaves level. In contrast, the height of the appeal scheme parapet above the existing eaves is around half the overall height of the adjoining hipped roof. This gives the extension an undue prominence and creates an uncomfortable relationship with existing building. Rather than an integrated extension, the parapet appears poorly related and alien to the existing building.
6. Although the rear extension is not visible in public views, it spans almost the full of the width of the bungalow. This, combined with its additional height, gives the extension a bulk which dominates the rear of the bungalow.
7. Consequently, I find that the height of the proposed extensions has a harmful effect on the character and appearance of the existing dwelling. As such, the proposal conflicts with DP Policy DP2 which seeks to achieve good design that responds to positive aspects of the locality and, among other things, requires consideration to be given to the height and roof form of proposals. The proposal would also conflict with DP DP7 which presumes against visually obtrusive extensions.
8. The first reason for refusal also cites DP Policy DP5. However, this policy deals with environmental and amenity protection and is of limited assistance in my consideration of the character and appearance issue.

Living Conditions

9. The rear extension spans almost the full width of the rear of the property and its flank wall is, therefore, close to the boundary with number 5. However, that property has also been extended to the rear. That extension is only slightly less deep than the appeal extension. Consequently, despite its additional projection, I consider that the height of the appeal extension would not be overbearing when viewed from the rear windows or rear garden of No 5.
10. The boundary between the appeal property and No 1 tapers. At their closest, the proposed side extension and the corner of the neighbouring bungalow are each less than 1m from the common boundary. The neighbouring bungalow has a rear-facing window fairly close to that corner. It also has a conservatory with windows facing the appeal site, although they are set back further from the boundary.
11. The proposed side extension projects to the rear of the neighbouring bungalow. Therefore, by virtue of its proximity and height, it would normally be prominent in views from the rear-facing window and conservatory windows of that property. However, the area between those windows and the boundary with the appeal site is taken up with outbuildings which significantly curtail views to the proposed extension. As such, the extension cannot be said to have an overbearing effect on the outlook from the neighbouring windows.

12. Having regard to these considerations, I find that the height of the proposed extensions would not be harmful to the living conditions of the occupiers of Nos 1 or 5 by reason of loss of outlook. Consequently, the proposal would not conflict with DP Policies DP5 or DP7 to the extent that they seek to protect the amenity of adjoining occupiers, including requiring proposals not to be visually obtrusive.
13. The second reason for refusal refers to DP Policy DP2. However, this policy is not concerned with the living conditions of neighbouring occupiers.

Other Matters

14. My concerns are with the height of the parapet roofs, rather than the extensions themselves or the appellant's wish to improve the accommodation at the appeal property. The construction details of the proposed roof are not a planning matter. However, I consider that it has not been adequately demonstrated that the parapet roofs need to be at the height built in order to achieve satisfactory rainwater drainage.
15. My decision is based on the planning merits of the proposal. Therefore, the circumstances that led the Council to investigate the discrepancy between the approved and built heights of the parapets are not something which I can take into account. Notwithstanding the appellant's submission that neighbours are content with the proposal, I note that there was an objection to the application based on the height of the parapets. In any event, the absence of further objections does not amount to a positive point in favour of the proposal.

Conclusion

16. Whilst I have found that the proposal would not harm the living conditions of neighbouring occupiers, that does not outweigh my concerns regarding its impact on the character and appearance of the existing dwelling. For that reason, the appeal should be dismissed.

Simon Warder

INSPECTOR