



Appeal Decision

Site visit made on 1 May 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/T2215/W/19/3221095

2 Priory Gardens, Dartford, Kent DA1 2BE

- 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 Shek Chang Wong against the decision of Dartford Borough Council.
 - The application Ref DA/18/00471/FUL, dated 10 April 2018, was refused by notice dated 24 July 2018.
 - The development proposed is development of 3-bed detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - The effect of the development on the character and appearance of the surrounding area;
 - The effect of the development on the living conditions of future occupants, with particular regard to garden space;
 - The effect of the development on the living conditions of the occupiers of 2 Priory Gardens with particular reference to outlook, light and garden space;
 - The effect of the proposed parking arrangements on highway safety; and: -
 - Whether the site is a suitable location for a dwelling with regard to development plan policies.

Reasons

Character, appearance and visual amenity of the area and loss of garden land

3. 2 Priory Gardens is an end of terrace chalet bungalow in a short residential cul-de-sac. The cul-de-sac is fronted by a mix of terraced bungalows and two storey semi-detached houses.
4. The garden of No 2 is slightly larger than its neighbours, incorporating an area of garden to the side of the dwelling, providing a gap between the more intimate feel of Priory Gardens and the longer terraces of more substantial properties around Priory Hill. The proposed dwelling would fill this gap,

removing the hedge fronting the garden and replacing the front area with car parking and a narrow flower border.

5. Further, approaching up Priory Hill from the south there is a clear view of the side of No 2 with its tiled roof and small gable incorporating a round window, giving visual interest. This view would be replaced by the blank two storey wall of the proposed dwelling, presenting a blander view.
6. Given the importance that I have placed in the function of the gap in creating a visual space between Priory Hill and Priory Gardens the loss of the gap and the hedge and the visual screening of the side of No 2 would, in this instance, amount to unacceptable harm to the character and appearance of the area.
7. I therefore find that the proposed development would result in unacceptable harm to the character and appearance. This would be in conflict with Policies DP2, DP4 and DP7 of the Dartford Development Policies Plan -2017- (the Local Plan), in as much as it does not reinforce and enhance positive aspects of the locality, the loss of the garden land erodes local character and the proposal does not retain or enhance the character, local environment and amenity of an established residential area, and the access into the development creates an undue disruption to the character and appearance of an existing road frontage.

Living conditions of future occupiers

8. The proposal would subdivide the existing site, and the proposed dwelling would occupy much of side garden. The back garden thus created would be very restricted, largely due to its limited depth, to provide for the activities normally associated with a dwelling of the size proposed such as playing or sitting outside whilst airing or drying washing.
9. I have limited information before me to demonstrate the degree to which the adjacent property to the south would cast shadow over the garden of the proposed dwelling. However, given the height and siting of that building in relation to the proposed garden for the new dwelling it is likely that there would be some shadow cast over the garden for the new dwelling for much of the day. This would be likely to further detract from the enjoyment of the garden and discourage its use.
10. I therefore find that the proposed development would not provide acceptable living conditions for future occupants, with particular regard to garden space, in conflict with Policies DP7 and DP8 of the Local Plan, as it does not provide a useable size and good quality of private amenity space.

Living conditions of the occupiers of 2 Priory Gardens

11. No 2 has a door and windows on both floors on the flank wall facing the proposed dwelling. These look out over what is currently a sizeable side garden and along Priory Hill past the town houses and there is currently a degree of openness from the windows. The subdivision of the plot would leave the host property with a comparatively small garden compared to that which it currently enjoys.
12. The development would also introduce a building close to No 2 directly opposite these windows and the door and close to the boundary with the garden. As a consequence, anyone standing at the windows, in the vicinity of the door to

No 2 or sitting in the remaining garden close to the house would experience a harmful increased sense of enclosure due to the presence of the development.

13. I have limited information before me to demonstrate the degree of impact the proposed dwelling would have on light reaching the windows on the side elevation or the remaining garden for No 2. However, given the orientation of the proposed dwelling and the position of the windows on No 2 and the reduced garden it is likely that there would be some reduction in this instance.
14. Similarly, I have limited information to demonstrate the degree to which the proposed dwelling would cast shadow over the garden of No 2. However, given the orientation of the proposed dwelling it is likely that there would be some shadow cast over the garden of No 2, closest to the rear of the dwelling during the afternoon. Combined with the increased sense of enclosure this would create a poor quality amenity space and be likely to discourage the use of the garden by occupants.
15. I therefore find that the proposed development would have an unacceptable effect on the living conditions of the occupiers of 2 Priory Gardens with particular reference to outlook and light and quality of external amenity space, contrary to Policies DP2, DP7 and DP8 of the Local Plan, in as much as these policies require development to consider how the height, mass, form, scale, orientation, siting, and overshadowing of the proposal relates to neighbouring buildings and seek to ensure that development provides a useable size and good quality of private amenity space.

Highway safety

16. The proposal creates two parking spaces for the use of future residents and would comply with local parking standards as set out in Dartford Borough Council's Parking Standards supplementary planning document (2012). However, in doing so the creation of the new vehicular crossing of the footway would reduce the capacity of on-street car parking in the area by one space.
17. The displaced parking demand would most likely remain on street in competition for space with other existing demand. During my site visit I observed considerable demand for on-street parking spaces, in many locations reducing the road to a single traffic lane for considerable stretches. Such restriction may lead to obstruction of junctions by parked vehicles and would, on occasion, necessitate vehicles to reverse back along the street to allow passage of an opposing vehicle, which would increase the risk of accidents as other vehicles may be required to stop suddenly and unexpectedly. Furthermore, the on-street parking pressure could make access for emergency vehicles and servicing increasingly difficult, with an associated impact upon the safety of the public.
18. I therefore find that the development results in unacceptable harm to the free and safe movement of vehicles. This would be contrary to Policies DP3 and DP4 of the Local Plan in as much as it would result in harm to residential amenity, highway capacity and safety and free flow of traffic, and excessive on-street parking.

Whether the site is a suitable location for a dwelling with regard to development plan policies

19. Policy DP6 of the Local Plan seeks to ensure that unplanned development coming forward does not undermine the approach of development set out in the core strategy taking both site specific and cumulative sustainability issues into account to ensure that there is sufficient infrastructure capacity to support unplanned development. The supporting text states that "Residential development of unplanned greenfield sites must only be exceptional".
20. Policy CS10 of the Dartford Core Strategy – 2011 – (the Core Strategy) sets out criteria by which it will assess the suitability of windfall sites such as this. Criterion 4 b) requires that development is assessed as to whether the benefits of development outweigh the disbenefits. Policy CS6 of the Local Plan requires windfall sites to be assessed against these criteria.
21. The development would provide benefits in terms of delivering an additional home to boost housing supply, albeit that a single home would only have a limited benefit and the Council is able to demonstrate a 5 year housing land supply. There would be minor benefits to the local economy in relation to short term employment in the construction industry and longer term support for local shops and businesses, although due to the limited scale of the development these benefits carry limited weight. However, these benefits would be significantly outweighed by the harmful effect the proposal would have upon the character and appearance of the area, the living conditions of neighbours, the free and safe movement of vehicles and the failure of the proposed development to provide acceptable living conditions for future occupants. Thus there is no overriding benefit of the development that would justify an exception and allow the development of the greenfield site.
22. I therefore find that the site is not a suitable location for a dwelling with regard to Local Plan policies. This is because it would be contrary to Policy CS10 of the Core Strategy and Policy DP6 of the Local Plan, in as much as the benefits of development are outweighed by disbenefits.

Conclusion

23. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR