The Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2019

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Appeal Ref: APP/T2215/W/19/3225777
Rear of 56 to 58 Spital Street, Dartford, DA1 2DU

- 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 Sukh Narwan against the decision of Dartford Borough Council.
- The application Ref DA/18/00981/FUL, dated 29 July 2018, was refused by notice dated 1 October 2018.
- The development proposed is the demolition of an existing warehouse unit and the construction of a three-storey building to provide 6 no. one-bedroom apartments.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:

   - The character and appearance of the Dartford Town Centre Conservation Area (CA),
   - The living conditions of future occupiers of the apartments by way of amenity space, disturbance and outlook
   - Highway safety within Dartford Town Centre, and
   - The revitalisation of Dartford Town Centre.

Reasons

3. The appeal site is a narrow, rectangular area of land to the rear of Nos 56 and 58 Spital Street, which are shop units on the ground-floor with residential units on the two floors above. The site is currently occupied by a single-storey warehouse unit, part of which has a pitched roof with a smaller separate part to the side having a flat roof. There is a small open space to the rear. The site also includes an area to the front of the warehouse, currently used for parking and servicing, and a narrow road running between Nos 60 and 62 Spital Street, which provides access to the rear of properties on Spital Street and to mixed commercial uses on land to the rear, including the appeal site.

4. The proposed development would involve the demolition of the existing warehouse and the construction, on a similar-sized footprint, of a three-storey block of apartments, with storage and access at ground-floor level and two floors above containing three apartments each.

Effect on the CA

5. The appeal site lies within the CA. In the character appraisal of the CA, Spital Street is noted as having the atmosphere of a connecting space between the High Street and West Hill. It also consists of a series of small, partly enclosed spaces, both quiet and vibrant. The appeal site is in an area to the rear of the street that is identified in the appraisal as part of a view of interest into the CA that includes distant views of the rear of the buildings on the south side of Spital Street from Highfield Road. These buildings include Nos 56-72 Spital Street, which are two-storey properties with accommodation in the pitched roofs utilising dormer windows, and with two-storey rear outriggers. They also include the listed "Flying Boat" building, currently a public house, which has a large 2/3 storey pitched-roof element at the rear.

6. The appeal site is part of an area of backland that is characterised by a mix of single-storey commercial buildings of little, if any, architectural merit, with associated parking and servicing areas. The replacement of the somewhat unattractive warehouse on the appeal site with a modern flat-roofed, three-storey apartment block might be seen, in isolation, as a visual improvement. However, the building would be significantly taller than the other buildings in the area to the rear of Nos 56-72 Spital Street, and would also be taller than the rear outriggers at Nos 56-72, which would be in close proximity. From Highfield Road, the proposed building would appear prominent, to the detriment of the views of properties on the south side of Spital Street and largely obscuring the view of the rear portion of the listed "Flying Boat" building. It would appear out of place and incongruous in this setting.

7. On this issue, I find that the proposal would be detrimental to the character and appearance of the CA and would therefore fail to preserve or enhance that character and appearance. It would also, on this basis, fail to ensure that appropriate regard is had to heritage assets and to maintain the character of the CA as required by Policies DP4 and DP13 of the Dartford Development Policies Plan (DPP). This harm would be less than substantial, and so I must consider any benefits that may accrue from the scheme to weigh against the harm. I will do this later when other issues have been considered further.

Living conditions

8. The proposed building would comprise three storeys with storage and access on the ground floor, and two floors of residential accommodation above. Each floor would have three, one-bedroomed apartments of some 51sqm to 52 sqm gross internal floorspace (GIA). They would meet the minimum requirement of 50 sqm GIA as set out in the government's Technical housing standards – nationally described space standard. (THS).

9. Each apartment would have a balcony, measuring some 6 sqm in area to its west-facing side. There would be no windows in the north- and south-facing elevations, and there would be only obscured glazing to windows serving hallways and bathrooms in the east-facing elevation. The central apartment on each floor would be single-aspect, and all apartments would have habitable room windows only in the west-facing elevation. The block would be situated only around 1 metre from the west boundary and 1.5 metres from the east boundary, with a 3 metre gap to the southern boundary. The block would be sited a little closer to the rear of the Nos 56-58 than the current warehouse, such that it would be only around 7 metres from their rear boundaries.

10. Whilst the apartments would meet the minimum GIA requirements and private amenity space requirements, I have concerns regarding the level of residential amenity that would be enjoyed by future occupiers. I note the results of the appellant's noise survey, although I have concerns that the activities of the church that utilises the adjacent commercial premises is not included. Also, there are only partial results from one of the measuring stations (MP2) and it is somewhat unclear where the other station was positioned, in that it is referred to as being north-east of No 56b, but the plan shows it to the north-west. In any case, the results indicate potential issues with regard to the adequacy of noise attenuation through the glazed elements of the apartments and, given the largely single-aspect nature of the apartments, I have concerns that utilising internal ventilation systems in apartments that rely on balconies for amenity space and are single-aspect would be somewhat unsatisfactory.

11. The apartments would have an aspect only to the west, which is effectively over a mix of commercial units and a church, all of which are serviced from the area to the north of the appeal site and the common access road from Spital Street. In addition, this area also appears to be used for parking and servicing of the shop units. Given the lack of space around the proposed block, and the general levels of disturbance likely from the range of commercial and other activities in this location, I consider that the immediate surrounding environment would fail to provide a satisfactory level of residential amenity for the future occupiers of the apartments.

12. In the light of the above, I find that the proposed apartments would provide internal and external space just above the minimum required, but that the quality of the space would be compromised by the location and design, in that there would be an unsatisfactory aspect and a likelihood of significant disturbance to the occupiers from neighbouring uses. The scheme would not, therefore, represent good quality design and would conflict with Policy DP8 of the DPP, which relates to residential space and design.

Car parking

13. There would be no car parking provision for the apartments within the site, although it appears that part of the site could remain in its current use for parking and servicing of the shop units at Nos 56-60. The Council's Parking Standards Supplementary Planning Document (SPD) indicates that in a Town Centre location there should be car parking provision of 1 space per residential unit, and the proposal would, therefore, fail to meet the requirement.

14. I accept that the site is in a sustainable location, close to most amenities and facilities, and that dedicated parking for all units may not therefore be necessary. I have not been furnished with any evidence of parking pressures in the vicinity, and I do not consider that the proposal would necessarily result in additional on-street parking pressures in the vicinity. In this regard, I find that it would not be likely to result in any significant highway safety issues by way of additional parking pressures.

15. However, I note that Policy DP4 of the DPP requires that the layout and siting of access to developments is acceptable in terms of residential amenity, highway capacity and safety, free flow of traffic, cyclists and pedestrians, and visual impact. In this case, I have concerns that if all occupiers of the apartments have to use the narrow access road from Spital Street on foot, then this could represent a danger, since they would be competing for limited space

entering and passing through the appeal site with cars, vans and other service vehicles. In this respect, highway safety could potentially be compromised in a way that would conflict with Policy DP4. This would not be a sufficient reason on its own to dismiss this appeal, but it adds to my concerns about the location and design of the proposal, as outlined above.

Revitalisation of the Town Centre

16. Policy CS2 of the Council's Core Strategy (CS), along with the Dartford Town Centre Framework Supplementary Planning Document (TCF), relate to the revitalisation of the Dartford Town Centre. The revitalisation aims include improving the attraction of the town centre as a place to visit and live, improving its visual appearance, and developing a unique identity, creating a high quality environment.

17. I accept that the proposed scheme would replace a poor quality warehouse building with a modern apartment block. This would have a marginal impact on increasing the number of town centre residents and may result in limited and very localised visual improvements. However, for my reasons given above, I find that the development would be harmful to the character and appearance of the CA, which is a focal element of the town centre, and that it would not result in high quality residential environment, by virtue of its location and cramped nature.

18. The Council also raises concerns that the development of the appeal site, in isolation of the rest of the backland to the rear of Nos 56-72 Spital Street, could prejudice any future development of this area. Whilst each case must be treated on its own merits, to allow this development could encourage the submission of further similar piecemeal proposals which would be progressively more difficult for the Council to resist and which could cause cumulative harm to the character and development potential of the town centre. Moreover, by virtue of the proximity of the proposed balconies and habitable room windows to the site boundary, there can be no guarantees that any future developments of neighbouring sites would not have some adverse impact on what is already a somewhat cramped scheme.

19. The appellant notes the support for revitalising town centres in the National Planning Policy Framework (NPPF), where it recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. However, in this case, I do not consider the appeal site appropriate for what is proposed.

20. On the basis of the above, I find that the proposal would not aid the revitalisation of the town centre, and that it would conflict with Policy CS2 of the CS and with provisions in the TCF.

Other Matters

21. Both the Council and the appellant have made reference to the fact that the appeal proposal would represent housing development on a windfall site. The NPPF notes that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

22. Policy CS10 of the CS states that for windfall sites to be acceptable, the benefits of the development should outweigh the dis-benefits. In this case, I

find that the dis-benefits, including harm to the CA, a poor quality of residential amenity, and potential negative impact on, or resulting from, development of neighbouring sites, would outweigh the benefits of the development of six residential units in this location.

Conclusions

23. In conclusion, I find that the proposed scheme would be harmful to the character and appearance of the CA. Whilst this harm would be less than substantial, I find that the creation of six residential units with a poor quality of residential amenity would not outweigh the harm to the CA and other harm caused by the proposal. Similarly, I find that the proposal would result in a poor outlook and residential environment for the occupiers of the apartments, and that it would not aid the revitalisation of the town centre. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR