The Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/T2215/W/19/3223459
Land at Woodward Terrace, rear of 11 Carlton Avenue, Horns Cross, Kent

- 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 Mrs L Mitchell against the decision of Dartford Borough Council.
- The application Ref DA/18/01378/FUL, dated 24 October 2018, was refused by notice dated 13 December 2018.
- The development proposed is described as erection of single storey 2 bed bungalow with associated access parking and residential garden.

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; and,
    - the living conditions of occupiers of the adjacent residential dwellings and the future occupiers; and,
    - whether the development would be an acceptable form of windfall development; and
    - highways safety, with particular regard to on street parking.

Reasons

Character and appearance

3. Woodward Terrace has a range of architectural styles, including semi-detached dwellings with short front gardens and more modern infill development. Close to the junction with London Road is a more modern single storey doctor's surgery. The properties on Carlton Avenue, immediately to the rear of the appeal site, are more substantial three-storey properties built on spacious plots and have deep rear gardens.

4. The appeal site is located adjacent to the turning head at the end of the cul-de-sac. It was previously part of the rear garden of No 11 Carlton Avenue, but is now separated by a wooden fence and during my site visit was overgrown with dense vegetation. The appeal site is enclosed by wooden fencing and along its boundaries with Nos 26-32 Woodward Terrace and the garden to the rear of No 9 Carlton Avenue, there are tall mature trees and hedgerows.

5. The development proposed would erect a single storey, 2- bedroom bungalow having a rectangular footprint set back from Woodward Terrace and its front elevation would be in line with No 26 Woodward Terrace. It would have a roof height of approximately 4 metres and would be set in approximately 3.6 metres from the private footpath which runs in front of Nos 26-32 Woodward Terrace. It would have a separation distance of approximately 21.6 metres from the rear elevation of No 11 Carlton Avenue. Two parking spaces would be provided on land at the rear of the garden of No 9 Carlton Avenue which forms part of the appeal site.

6. Whilst the design of the bungalow aims to minimise its effect on the surrounding area, the resulting single storey height would be at odds with the prevailing architectural style of development along Woodward Terrace, but also Carlton Avenue. The proposed layout would result in the front elevation being close to the turning head at the end of the Woodward Terrace and as a result its incongruous design would be a prominent addition to the street scene. There would be a very small separation distance with the appeal sites boundary with No 9 Carlton Avenue and its deep rectangular footprint would appear inconsistent with the principal form of development found along Woodward Terrace.

7. Further, the separation distance between the proposed bungalow's side elevation facing No 26-32 Woodward Terrace and the boundary would also be relatively shallow. When combined with the front elevation sitting close to the footpath, the proposed bungalow would give an appearance of a cramped form of development, symptomatic of a plot which is not able to accommodate the scale of development proposed. I have had regard to the 3D images[1] submitted by the appellant, which exclude planting and retained vegetation and in my view these images reinforce the incongruous appearance of the proposed bungalow and it being a cramped form of development which is not in keeping with the surrounding area.

8. I conclude that the development proposed would have a significant detrimental effect on the character and appearance of the surrounding area and would be contrary to Policy DP2 and DP7 of the Dartford Development Policies Plan (2017) (DDPP), which when read together seek to ensure development achieves good quality design and retains and enhances the local character.

Living conditions

9. The appellant states that there would be no significant effect of the development proposed on occupiers of neighbouring dwellings in terms of loss of daylight and sunlight, privacy and that Nationally Described Space Standards are met. However, by reason of the depth of the proposed development within the appeal site and its close proximity to its boundaries with Woodward Terrace, there would be a significantly altered outlook for the occupiers of neighbouring properties. This would be particularly the case for the occupiers of Nos 26-32 Woodward Terrace and the occupiers of the No 24 Woodward Terrace, who currently have views over the verdant, spacious rear gardens of Carlton Avenue.

[1] Series of 6 images Typical views from 26;28;30;32 Woodward Terrace and view from next door garden (5) and view from street(6)

10. Further, the proposed bungalow would include windows to the elevation facing Nos 26-32 Woodward Terrace and even though the proposed development is single storey, with a low-level brick wall along the boundary, there would be a perceived sense of overlooking. When combined, the urban outlook and increased sense of enclosure would be to the detriment of the living conditions of the occupiers of adjacent dwellings.

11. Based on the plans submitted[2], bedroom 2 would have a window which would look directly onto the boundary fence which is only a short distance away. The appellant states that this room could be a bedroom or study and the design is commonly found in semi-detached dwellings or in high density urban areas. Notwithstanding that assertion, the restricted outlook from bedroom 2 and the limited amount of daylight that it would receive, would create an oppressive environment and would be to the detriment of the living conditions of the future occupiers.

12. The Council is concerned that the reduced outdoor living area of No 11 Carlton Avenue would have a detrimental effect on the living conditions of its occupiers. However, as I observed there is no access to the appeal site from the rear of No 11 Carlton Avenue and the occupiers do not have the benefit of this area at present.

13. Whilst I accept that the appeal site previously formed part of No 11 Carlton Avenue, based on the evidence before me, they are now separate planning units and in separate ownership. Therefore, I do not consider the development proposed would reduce the outdoor living area to the detriment of the living conditions of the occupiers of No 11 Carlton Avenue.

14. I conclude that whilst the development proposed would not have an adverse impact on the outdoor living area of No 11 Carlton Avenue, there would be a detrimental effect on the living conditions of the occupiers of neighbouring properties, particularly those on Woodward Terrace. As a result, the development proposed would be contrary to Policy DP5 and DP8 of the DDPP, which when read together, seek to ensure there is no adverse effect of development on the living conditions of neighbouring uses and residential development provides acceptable standards of living for its future occupiers.

Windfall Development

15. The Council states that the appeal site would not be suitable for housing windfall development, which is contested by the appellant. The Council's Housing Windfall Supplementary Planning Document (2014)(SPD) sets a target of 80% for windfall housing development to come from sites which are previously developed land and has a number of criteria which are used to assess the suitability of such sites.

16. The appeal site does not meet the National Planning Policy Framework's (2019) (the Framework) definition of previously developed land, as garden land is excluded from the definition. Whilst the Windfall Sites Sustainability Criteria does not specifically exclude small infill sites, it attaches the highest weighting to previously developed land.

17. Based on the evidence before me, the appeal site, whilst satisfying some of the criteria, it would not achieve a score that would enable it to meet the target of

[2] Proposed ground floor plan Drawing No 3

80% set by the Council. Whilst the appellant states that this is a mechanical approach, it is a clearly stated aim of the Council and one which seeks to ensure that cumulatively, other residential sites do not hinder the delivery of its housing targets. Even though one additional dwelling would make a modest contribution towards the Council's housing targets, the benefit would not outweigh the harm to character and appearance and living conditions previously identified.

18. I therefore conclude that the development proposed would not be a suitable site for windfall housing development and would be contrary to Policy CS10 of the Dartford Core Strategy (2011) (CS) and DP6 of the DDPP or the guidance set out in the SPD, which when read together seek to ensure housing delivery takes place in sustainable residential locations.

Highways Safety

19. There is no dispute that the two parking spaces provided by the development proposed is sufficient. However, the Council has concerns that the development proposed would exacerbate the pressure for on street parking in the area by reason of it not providing visitor parking. Whilst I observed during my site visit that there was pressure for on street parking on Woodward Terrace, given that the development proposed would provide sufficient parking within the curtilage of the appeal site, there is no evidence to indicate that it would exacerbate the situation any further to the detriment of highway safety.

20. I conclude that the development proposed would not be contrary to Policy DP3 or DP4 of the DDPP, which when read together seek to ensure new development provides adequate parking provision and does not have any additional transport impacts.

Other Matters

21. The appellant has stated that there is a fallback position and that a garden outbuilding of the same height and bulk could be erected, under permitted development rights of the GPDO, if the appeal site were to revert to use as a garden serving one of the properties along Carlton Avenue. Whilst such a development could be undertaken without the necessary controls to prevent any harm being caused, the appellant has submitted no evidence to show the fallback position could be achieved or that they have control over the properties on Carlton Avenue and therefore I attach only limited weight to the probability of the fallback position occurring.

22. My attention has been brought to the planning history of the appeal site which included a previous dismissed appeal. Whilst I have had regard to the previous appeal decision, I am not bound by its decision and each case has to be judged on its own merits, it has therefore not altered my decision.

23. The appellant has referred to other nearby developments at the rear of properties on Carlton Avenue, which were considered suitable windfall sites. I note that the Council has stated that these dwellings were granted prior to the current DDPP and SPD and therefore do not set a precedent.

24. I have regard to the wide range of issues that have been raised by interested parties, which I have had regard to, but as I am dismissing the appeal on three of the main issues, I have not pursued these matters further.

Conclusion

25. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR