
Appeal Decision

Site visit made on 24 July 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/T2215/W/19/3226567

Rear of 30 St Albans Road, Dartford DA1 1TE

- 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 Para Properties Ltd against the decision of Dartford Borough Council.
 - The application Ref DA/18/01069/FUL, dated 16 August 2018, was refused by notice dated 12 October 2018.
 - The development proposed is the demolition of existing workshop and erection of a detached outbuilding to provide a studio flat (Use class C3).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, I noted that a new building had been erected on site however it appeared to differ somewhat from that proposed in terms of the location of windows and doors. Consequently, I have considered the scheme on the basis of the plans submitted and as a proposed development.

Main Issues

3. The main issues raised in this case are:
 - i) the effect of the proposal on:
 - a. The character and appearance of the area,
 - b. The living conditions of future occupiers, with particular regard to outlook, daylight, privacy, noise and garden space, and the living conditions of the occupiers of 30 St Albans Road, with particular regard to garden space,
 - c. Parking provision in the area, and
 - ii) Whether the site is a suitable location for a dwelling with regard to development plan policies

Reasons

Character and appearance

4. The site lies to the rear of an existing property, 30 St Albans Road (No 30), but has a frontage to Little Queen Street. The surrounding properties comprise predominantly two-storey terraced dwellings which creates a distinctive appearance to the street.
5. The proposed building would be a single storey in height and have a mono-pitch roof. This would be at odds with the prevailing character of development in the area and highlight the building as an incongruous addition to the street. I acknowledge that a single storey workshop previously existed at the site, and it is contended that this made little positive contribution to the locality. However, from the evidence before me, it would appear that this was an ancillary structure to the adjacent property. The construction of an independent unit of accommodation, with associated outdoor space, here would result in a cramped form of development that would be a discordant addition.
6. Accordingly, the scheme would adversely affect the character and appearance of the area, conflicting with Policies DP2 and DP7 of the Dartford Development Policies Plan (2017) (the Policies Plan). Together these policies seek to ensure development reinforces and enhances positive aspects of the locality and that the pattern and form of development is preserved.

Living conditions

7. The scheme comprises a studio flat, with the bedroom and living area positioned directly alongside the footway. The only two windows serving the main living space would also be positioned alongside this footway. As a consequence, the occupiers of the unit would be very much aware of the passing of pedestrians in close proximity and passing pedestrians would be able to look directly into the living space. Occupiers would therefore have very little privacy. Furthermore, occupiers would also be conscious of any noise that would be occurring in the street, which would include disturbance from a nearby public house. This could result in a significant amount of disturbance for occupiers. I note that the appellant considers noise to be a Building Control matter however the quality of internal accommodation with regard to disturbance is also a relevant planning consideration.
8. Furthermore, the windows to the bedroom and living area would provide only a single aspect outlook to the street. The views from these windows would be of the properties opposite and would be dominated by built development. A number of rooflights are proposed, but these would allow views only of the sky or upward views of surrounding properties. Thus, the outlook provided for occupiers of the unit would be extremely poor and not sufficient to provide adequate living conditions.
9. I am aware that the positioning of windows adjacent to the footway is not unusual in the area, however other properties are not likely to have the entirety of their internal living accommodation served by these windows. As such, existing properties are not likely to have the same arrangement as that which is proposed, which would allow for a greater amount of privacy and less disturbance from noise. The details of the scheme before me would allow for no respite from the lack of privacy, disturbance through noise or lack of outlook.
10. The only external area associated with the unit would be a small area to the front. This area is also shown as a bin and cycle storage area. Whilst the space may allow for the hanging of washing or storage of other items, given its

restricted size, it would allow for little else. As such, in my view, the outdoor space would not be sufficient to provide adequate living conditions for occupiers.

11. In terms of daylight, the two windows together with the proposed rooflights would, in my view, provide a sufficient amount of light to the interior of the unit so as to ensure that that accommodation would not be gloomy and would provide adequate living conditions in this regard. However, the lack of harm in this respect, is not sufficient to overcome the harm I have identified above.
12. The scheme would also result in the reduction of the garden space that would be associated with No 30, which the appellant highlights is currently being converted into two units of accommodation. Both the increase in size of the proposed building, over that of the workshop, and the provision of a garden space for the proposed building, would reduce that available for the adjacent units. Whilst the appellant argues that the workshop building was excluded from the application site for the scheme for the conversion of No 30, the details submitted by the Council show that it was included.
13. The reduction of the garden area from that which was originally granted in connection with the conversion of No 30 would result in a substandard space for the occupiers of the units in that property, in terms of useable outdoor space and space to store domestic paraphernalia. This would have an unacceptable effect on their living conditions
14. Accordingly, the scheme would not provide adequate living conditions for future occupiers, with particular regard to outlook, privacy, noise and garden space, and would result in substandard living conditions for the occupiers of 30 St Albans Road, with particular regard to garden space. Thus, the scheme would conflict with Policies DP5, DP7 and DP8 of the Policies Plan, as well as Policy CS17 of the Dartford Core Strategy (2011) (the Core Strategy). These policies seek to ensure development does not result in unacceptable material impacts on neighbouring uses, that development does not result in harm to residential amenity, that useable and good quality private amenity spaces are provided and that internal spaces are appropriate and fit for purpose.

Parking

15. The scheme makes no provision for off-street parking for vehicles. The Council highlight that, for one-bedroom units, 1.2 spaces are required, with an additional space for a visitor/van, in accordance with the Dartford Borough Council Parking Standards Supplementary Planning Document (the SPD). I observed that parking demand in the area was high and at the time of my visit (09:00) there were few parking spaces available in the vicinity of the site. I am conscious that demand is likely to be even greater at the end of the working day and evening. As such, notwithstanding that the scheme would accommodate only a single bedroom, it is likely to increase parking demand in the area to an unacceptable degree.
16. The appellant highlights that there was previously permission at the site for an office use. However, the Council indicates this was restricted to a daytime use when the availability of parking was likely to be at its greatest. Furthermore, if the existing workshop was an ancillary structure to the adjacent property its use was unlikely to result in any increased demand for parking. There is no

substantive evidence that the workshop was used for any commercial purposes and as such this has little bearing on my decision.

17. Consequently, the scheme would therefore likely result in indiscriminate and inappropriate parking, harming the safety of vehicular and pedestrian traffic due to the lack of parking provision. This would conflict with Policies DP3 and DP4 of the Policies Plan and Policy CS15 of the Core Strategy. These seek to ensure that development minimises and manages transport impacts, that the extent and nature of car parking provision accords with the SPD and that the most effective use is made of the transport network.

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

18. Policy CS10 of the Core Strategy sets out that windfall developments will be assessed having regard to, amongst other things, the sustainability of the site for housing and whether the benefits outweigh the disbenefits.
19. The Council make no objection to the scheme on the basis of the sustainability of the site, but that the benefits of the scheme do not outweigh the disbenefits. The scheme would provide an additional housing unit in the Borough and there would be limited economic benefits. However, these do not outweigh the substantial disbenefits of the scheme in terms of its effect on the character and appearance of the area, that it would fail to provide adequate living conditions for future occupiers, that it would adversely affect the living conditions of neighbouring occupiers and fails to make adequate parking provision. Consequently, the scheme would conflict with Policy CS10 of the Core Strategy.

Other Matters

20. I have had regard to the example of other development in the surrounding area. However, I consider that the details and circumstances of that case are different from that proposed, most notably that development resulted from a certificate of lawfulness and not a planning application which considered its planning merits.

Conclusion

21. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR