



Appeal Decision

Site visit made on 20 August 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/T2215/D/19/3227213

11 Ross Road, Dartford, DA1 3NH

- 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 & Mrs Russell against the decision of Dartford Borough Council.
 - The application Ref DA/19/00216/FUL, dated 12 February 2019, was refused by notice dated 1 April 2019.
 - The development proposed is the Erection of single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey extension at 11 Ross Road, Dartford, DA1 3NH in accordance with the terms of the application, Ref DA/19/00216/FUL, dated 12 February 2019, subject to the following conditions:
 - 1) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01-Plans & Elevations as Existing; 02-Plans and Elevations as Proposed; 03-Site Location Plan.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of 9 Ross Road, with particular reference to outlook and daylight.

Reasons

3. The proposed extension would be single storey, with a flat roof design. At the time of my site visit the extension was under construction, with the external walls largely in place. The proposed extension would have a depth of 4.18m from the main rear wall of the dwelling and would extend across the full width of the property. The flank wall of the extension would be set in from the side boundary by about 0.2m.
4. Policy DP7 of the Dartford Development Policies Plan adopted July 2017 (DP) seeks among other things, to ensure that proposals do not materially harm existing residential amenity, including through overlooking, loss of privacy, overshadowing, noise, increased level of activity and disturbance, or increased

on-street parking. Supporting paragraph 9.39 of the DP sets out a number of points which represent guidance that may be generally appropriate for certain extensions. In respect of rear extensions, it states that single storey extensions to the rear of semi-detached and terraced properties should generally not be greater than 3.5m in depth on a common boundary, unless it can be demonstrated that the larger extension proposed will have no adverse impact. The depth of extension set out in paragraph 9.39 is therefore for guidance and is not prescriptive and much will depend upon individual relationships between adjoining sites.

5. The existing boundary with 9 Ross Road is formed by a 1.8m high fence which would be retained. The extension would be set in from the boundary with No 9 by about 0.2m. The closest ground floor opening to the proposed extension on the rear of No 9 is a set of patio doors and thus is a reasonably wide opening. The proposed extension would have a flat roof and as such, a relatively low height. Whilst the proposed extension would be visible above the existing fence, given its set back from the boundary and its low height and flat roof design, I do not consider that the proposed extension would materially harm the outlook from the rear of No 9. Furthermore, whilst I have had regard to the orientation of the extension in relation to 9 Ross Road, the above factors, together with the width of the patio doors and their positioning in relation to the side boundary, leads me to conclude that any limited loss of daylight that may occur would not be harmful to the living conditions of the occupants of that property.
6. I am satisfied that there would be no significant adverse effect on the living conditions of the occupants of 9 Ross Road with particular reference to outlook and daylight. The proposal is compliant with Policy DP7 of the DP insofar as it seeks to protect existing residential amenity.

Conditions

7. Conditions for the development to be built in accordance with the approved plans and for matching materials, are necessary in the interest of certainty and to ensure a satisfactory appearance.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

J Davis

INSPECTOR