



Appeal Decision

Site visit made on 27 August 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/T2215/D/19/3231994

9 The Oaks, Dartford, Kent DA2 6PF

- 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 Dan Baker against the decision of Dartford Borough Council.
 - The application Ref DA/19/00464/FUL, dated 25 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is conversion of integral garage to habitable room. Demolition of existing rear conservatory and front section of garage for erection of a part two/part single storey/part first floor side and rear extension with creation of roof deck above with opaque glass balustrade above rear extension. Provision of dormer windows in front and side elevations, roof lights in rear and side roof slopes and window in rear elevation in connection with providing additional rooms in the roof space and associated alterations to elevations (revisions to previous approved planning permission DA/18/01148/FUL in respect of erection of balustrade for use of rear extension as roof deck).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown on the Council's decision notice and the appellant's appeal form is more precise than the description shown on the planning application form. I have therefore used this description in the banner heading, however I have removed the word 'retrospective' because it is not a description of development.
3. The Council has previously granted conditional planning permission, Ref DA/18/01148/FUL, for development at the appeal property and construction works are currently being carried out. In comparison to the previous approval, the appeal scheme proposes to change the roof of the proposed single storey rear extension from a pitched roof to a flat roof with balustrades in order to provide a roof deck. At the time of my site visit, the single storey rear extension was under construction and only the joists of the flat roof had been installed.
4. Given the existing planning permission the main issue for determination in this appeal relates to the change in roof structure to provide a roof deck above the rear extension. I have therefore proceeded on this basis.

Main Issue

5. The main issue is the effect of the proposed roof deck on the living conditions of the occupiers of Nos 8 and 10 The Oaks and No 1 High Trees, with particular regard to privacy, outlook and sunlight.

Reasons

6. The appeal property is a modern 2 storey detached dwelling which is located in an established residential area. The dwelling is positioned between neighbouring detached houses at Nos 8 and 10 The Oaks. No 1 High Trees is positioned perpendicular to the appeal dwelling and its side wall runs adjacent to the rear boundary of the appeal site.
7. There are currently oblique views of neighbouring gardens from the upper floor rear windows of the appeal property. The proposed roof deck, however, would introduce an elevated and projecting vantage point that would extend significantly beyond the existing upper floor rear windows of the appeal dwelling.
8. Whilst the appeal scheme would include opaque balustrades to the sides of the proposed roof terrace, given the large size of the proposed roof terrace and the short distances to the side and rear boundaries, the proposed roof terrace would afford its users elevated views above the boundary fences into the rear gardens of Nos 8 and 10 The Oaks and No 1 High Trees. The use of the proposed roof terrace for socialising or leisure would increase the sense of being overlooked for the occupiers of the neighbouring properties when in their garden. The proposed development would therefore cause an unacceptable level of overlooking and result in a significant loss of privacy to the occupiers of Nos 8 and 10 The Oaks and No 1 High Trees.
9. Furthermore, the proposed opaque balustrades would be solid in appearance due to their lack of transparency, which, together with their height and close proximity to the side boundaries with Nos 8 and 10 The Oaks, would appear overbearing and visually intrusive when viewed from the gardens at Nos 8 and 10. This would harm the outlook from neighbouring properties.
10. The Council is also concerned that the proposed balustrades would cause a loss of sunlight to the patio area of No 10 The Oaks. However, the proposal would not cause significant overshadowing due to the distance that would be maintained between the proposed balustrades and the neighbouring patio area. Although I have not found harm in this respect it does not overcome the harm that I found.
11. I therefore conclude that the appeal proposal would cause significant harm to the living conditions of the occupiers of Nos 8 and 10 The Oaks and No 1 High Trees, with particular regard to privacy and outlook. It is contrary to Policies DP5 and DP7 of the Dartford Development Policies Plan Adopted 2017, which, amongst other things, seek to ensure that development does not result in unacceptable material impacts on neighbouring uses.

Conclusion

12. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR