
Appeal Decision

Site visit made on 6 November 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2019

Appeal Ref: APP/T2215/W/19/3234878

31B Willow Court, Devon Road, Sutton At Hone DA4 9AA

- 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 Ayton against the decision of Dartford Borough Council.
 - The application Ref 18/00949/COU, dated 25 July 2018, was refused by notice dated 23 April 2019.
 - The development proposed is the conversion of light industrial workshop to a 2-bed dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing unauthorised building to a two bedroom dwelling and addition of front and rear dormers at 31B Willow Court, Devon Road, Sutton At Hone DA4 9AA in accordance with the terms of the application, Ref 18/00949/COU, dated 25 July 2018, subject to the attached schedule of conditions.

Procedural matters

2. I saw from my site visit that a two-storey building has been partially constructed. It differs from the plans that were considered by the Council at application stage. I have determined the appeal based on the application as submitted to the Council.
3. From the evidence contained within the appellant's appeal submissions, it is clear that the planning permission¹ dated 5 February 1992 was implemented. I am also aware from the evidence that the building work was never completed.
4. It is apparent that this appeal proposal differs from the implemented permission, predominantly in respect of the alterations to the roof, elevational alterations and the use of the building as a dwelling. The planning permission showed a roof with a front dormer window and a rear dormer window with an external staircase leading up to it. The ground floor showed a different configuration of doors and windows.
5. I also note that there was no dispute between the parties at application stage that the permission² for the use of the building as a two-bedroom dwelling was extant. However, the permission dated 11 November 2016, has now expired.
6. Having had regard to the above planning permissions, and in the absence of any evidence from the Council to indicate otherwise, it would appear that there

¹ DA/91/0659

² DA/16/00850/FUL

is no dispute between the parties as to the acceptability of the residential use of the building. I shall therefore confine my detailed consideration to the effect of the proposed changes.

7. I have altered the description of the development to more accurately describe the appeal proposals with particular regard to the addition of front and rear roof dormers. It does not change the development for which planning is sought. Consequently, I am satisfied that no party will be prejudiced by my use of it. I have proceeded on this basis.

Application for costs

8. An application for costs was made by Mr Ayton against Dartford Borough Council. This application is the subject of a separate Decision.

Main Issues

9. The main issues are the effect of the development on
 - (i) the character and appearance of the area with particular regard to height; and
 - (ii) the living conditions of the adjacent properties with particular regard to privacy.

Reasons

Character and appearance

10. The appeal site accommodates a two-storey detached building on a long narrow strip of land to the rear of the host property. It is positioned away from the rear walls of the properties on Devon Road and occupies virtually the full width of the site. It has open areas to the front and rear. Access to the building is via a driveway which is between No 31 and 29. The area is predominantly residential with the properties along Devon Road being a mix of detached and semi-detached two-storey dwellings that have long narrow rear gardens. There is a large single storey outbuilding in the rear garden area of No 33 and 33A.
11. The appeal proposal is for the conversion of the existing building to a residential dwelling and for external alterations including the addition of front and rear dormer windows. Whilst I cannot be certain that the height of the roof of the appeal building matches the roof of the extant permission, it is clear from the evidence supplied by the appellant, that the height of the roof is not so materially different from what was approved in 1992. I am also aware from the Officer report that the proposed roof and the eaves height are only marginally higher than the scheme that was granted permission in 2016. Given the significant separation distances between the building and the dwellings along Devon Road, and having regard to the extant permission and the expired 2016 permission, the height, bulk, mass and volume of the roof of the building would not be harmful to the character and appearance of the area.
12. The configuration of the windows and doors to the front and rear elevation are of a domestic nature and are a similarly acceptable form of development.
13. Consequently, the proposal is compliant with Policies DP2 and DP7 of the adopted Dartford Development Policies Plan (DP) (2017), which seek to ensure, amongst other things, good design.

Living conditions

14. The front dormer window is located towards the middle of the roof slope. It would serve a bedroom at first floor level and there would also be a dormer window to the rear serving this room. It differs from the one shown on the 2016 permission which was set to one side, in line with the existing driveway. Whilst the window would be more in line with the first-floor window of No 31, the proposed dormer window is only marginally closer than the window in the 2016 permission. The Council has not cited any local privacy/separation distances and given the separation distance between the windows and the use of obscured glazing, there would be no unacceptable harm to privacy with regard to perceived overlooking. I am mindful that the outbuilding to the rear of 33 and 33A provides an element of screening to the garden area of this property.
15. In terms of the living conditions of future occupiers of the dwelling, the Officer report stated that whilst the front dormer window could be fitted with obscured glazing, there would be an acceptable level of outlook by virtue of the rear dormer. I am of the same conclusion in this respect.
16. Consequently, the proposal complies with Policies DP5 and DP7 of the Dartford Development Policies Plan (2017) which require, amongst other things, development not to result in unacceptable material impacts including overlooking.

Other matters

17. Local residents have raised environmental concerns regarding the proposals including flooding, unauthorised works, development in the Green Belt and precedent. In terms of flooding I am aware that the Environment Agency offered no objection to the proposal and I have no evidence to the contrary. The carrying out of unauthorised works is not a matter for consideration in respect of this appeal. The site does not fall within an area of Green Belt. In terms of precedent, each application is determined on its own merits, with regard to their particular individual circumstances. Impact on property values is not in itself a planning matter.

Conditions

18. The Council have suggested several conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and clarity and I do not consider that in this case that there is a clear justification for restricting national permitted development rights.
19. In addition to the standard time condition, a condition is necessary to ensure that the development would be built to accord with the submitted plans for certainty and it is not necessary to list the existing plans. To safeguard the appearance of the area, it is necessary to control by condition the details of external materials used and details of the hard and soft landscaping.
20. In the interests of the privacy of neighbouring residents, I attach a condition requiring obscured glazing to be used and retained in the front dormer window and the hallway. I have also attached a condition relating to hours of

construction and contamination in the interests of the living conditions of future occupants and those of the adjacent properties.

Conclusion

21. For the reasons above the appeal is allowed.

Neil Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out strictly in accordance with the approved drawings nos: 0114.2-Location plan and 0114.1b-Proposed block, floor and elevation plans.
- 3) Within 3 months of the date of this permission, details of all the materials to be used shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation.
- 4) The building hereby permitted shall not be occupied until the windows serving the dormer and hallway in the front (southern) elevation of the building shall be obscure glazed with a minimum obscurity level of 3 as referred to in the Pilkington Texture Glass Range leaflet, or nearest equivalent as may be agreed in writing by the Local Planning Authority. Such glazing shall be incapable of being opened with the exception of any top hung fan lights and shall subsequently be maintained as such at all times.
- 5) No demolition or construction works shall take place only between 0800 and 1800 hours of day on Monday to Friday and between 0800 and 1300 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 7) Prior to occupation of the development hereby approved, details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) means of enclosure and retaining structures;
 - iii) boundary treatment;
 - iv) vehicle parking layouts;
 - v) hard surfacing materials;
 - vi) an implementation programme.
- 8) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be

managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

9) Before the development is first occupied a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.