



Appeal Decision

Site visit made on 16 October 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/T2215/W/19/3235679

57 Alfred Road, Dartford DA2 7SG

- 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 Matthew Breen against the decision of Dartford Borough Council.
 - The application Ref DA/19/00569/FUL, dated 17 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is extensions to existing detached bungalow to form two semi detached three bedroom bungalows with rear dormers.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council has withdrawn its fourth reason for refusal of planning permission relating to the impact on protected species following the Appellant's submission of a preliminary ecological appraisal and a bat emergence survey.

Main Issues

3. The main issues are (a) the effect of the development on the character and appearance of the area with respect to its scale and design, (b) whether there would be adequate amenity space for the house on plot 2 and (c) whether the development would undermine the Council's strategy for managing windfall developments in order to deliver housing in priority areas.

Reasons

Character and appearance

4. The appeal relates to a detached single storey bungalow on an irregularly shaped corner plot at the junction of Alfred Road with Burnt House Lane. The bungalow is set in from the side boundaries and has a hipped pitched roof. The tapering back garden has a hedgerow to the site's north-western boundary with Burnt House Lane which is at a lower level.
5. Alfred Road comprises a mixture of two storey houses and bungalows fronting both sides of the road with the dwellings set back to provide attractive front gardens. On the opposite side of the road to no.57 is 60 Alfred Road, another corner plot but with the house facing Burnt House Lane and a flank wall to Alfred Road. Beyond this there are other dwellings fronting Burnt House Lane generally having good sized front gardens and a footpath alongside the

carriageway. The stretch of Burnt House Lane alongside the appeal site does not have a footpath to either side and is narrow and twisting in nature. On the north-western side of Burnt House Lane are open fields within the Green Belt. The appeal site is within Hawley, an enclave of residential streets bound by open land within the Green Belt.

6. The existing bungalow would undergo substantial alterations including the construction of an extension to both sides and two large flat roof box dormers to the rear roof slope. Notwithstanding the mixed form and design of dwellings in the area, including gable ends and modest dormers, the scale and form of the dormers proposed would not be in keeping with the prevailing patterns of development. Whilst the dormers would not be readily visible from Alfred Road, that to the house on plot 2 together with the new gable end to the roof would be conspicuous from Burnt House Lane, particularly given the change in land levels. The corner of the side extension would be about 2m from the side boundary with Burnt House Lane and the corner of the rear extension about 1.5m from the same boundary. There is already a gap in the hedgerow to Burnt House Lane near to the bungalow through which the gable end and rear dormer to the house on plot 2 would be viewed but the proximity of the enlarged building to the boundary would be likely to threaten the retention of that part of the hedgerow closest to the building. A planning condition could require the strengthening of the boundary hedgerow to the front and rear gardens, but there would be insufficient land to the side of the proposed house on plot 2 for provision of effective screening.
7. The dwellings to the north-east and south-west fronting Burnt House Lane are generally well-designed and set back from the road behind front gardens. By contrast the proposal would appear as a substantial and incongruous development unduly close to the road and detrimental to the character and appearance of the area. The proposal would thereby conflict with Policies DP2 and DP7 of the Dartford Development Policies Plan (2017) (DDPP) which promote good design including in relation to the mass, scale, roof form and detailing of development relating well to neighbouring buildings and the wider locality without being visually obtrusive.
8. The appellant has referred to other nearby developments in support of the proposal. The semi-detached dwellings at the corner of Burnt House Lane and Shire Hall Road include an extension close to the side boundary, but these dwellings retain the original hipped roofs, have a footway alongside and better fit in with the scale and design of neighbouring dwellings than the appeal proposal would do. The dwellings constructed at 21 and 21a Alfred Road include front facing flat roof dormers, but the context and scale of these dwellings differ substantially to the appeal proposal.
9. The appellant has also described a fall-back position in which the extensions and a large flat roof dormer could be added to the bungalow under permitted development allowances, contending that this would be similar in impact to the appeal proposal. The Council comments that the dormer and side extension could not be as large as indicated using permitted development allowances. Notwithstanding this, it is clear to me that the smaller mass of the fall-back and its siting further away from the boundary with Burnt House Lane would have a significantly lesser impact on the character and appearance of the area. It does not provide a justification for the proposal.

Amenity space

10. The rear garden to the house on plot 2 would have a tapered shape curving around to the rear of the house on plot 1. Due to the constraints of the site outlook from windows at the back of the house on plot 2 would be on to a relatively short near part to the garden and then to the boundary to Burnt House Lane. Strengthening of the boundary hedgerow would have an enclosing effect but given the width of the plot this would not result in a cramped area. The length and overall size of the garden would be large enough for a family house. The garden would also benefit from a south-westerly aspect and would not be unduly shaded by the hedgerow to Burnt House Lane.
11. The proposal would provide satisfactory private amenity space to both dwellings. There would not therefore be conflict with Policy DP8 of the DDPP which guides residential space and design in new development, requiring private amenity space to be of a useable size and good quality but without setting minimum quantitative standards.

Housing strategy

12. Policies CS1 and CS10 of the Dartford Core Strategy (2011) (DCS) set out a strategy to direct development towards sustainable locations and criteria for assessing unplanned windfall development such as at the appeal site. The Council contend that as the locality has bus connections but few services that future occupiers would rely heavily on the use of private motor cars and that the poor sustainability credential would be contrary to Policy CS10 (4a). Policy DP6 of the DDPP sets out specific criteria to judge windfall development for five or more dwellings, but sites of fewer than five dwellings need to be assessed in relation to Policy CS10 and a Supplementary Planning Document for managing windfall developments.
13. The proposed extensions would be largely on hard surfaced areas close to the bungalow, including that of a former garage; most of the garden would remain undeveloped. The proposal would result in frontage development within an established residential area of frontage development. Any shortfall in the sustainability credential of the site needs to be weighed against the expediency of delivering a sufficient supply of homes as set out in Chapter 5 of the National Planning Policy Framework (the Framework). Paragraph 68 of the Framework recognises the importance of small and medium sized sites in meeting housing need and states, *"To promote the development of a good mix of sites local planning authorities should: (c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes"*. The site is clearly within an existing settlement.

The Council's delegated report refers to two appeal decisions which it is claimed support its stance in relation to the proposal¹. These relate to sites outside the built-up area one of which is in the Green Belt; site circumstances are not therefore comparable. The Council's appeal statement refers to other appeal decisions², but these relate to new build dwellings on garden land rather than extensions and so the circumstance again differ.

¹ Land adjacent to Tudor Court, Ref: APP/T2215/W/18/3198564 and North Side of Clement Street, Ref: APP/T2215/W/18/3204204.

² Land at Woodward Terrace, Ref: APP/T2215/W/19/3223459; 2 Priory Gardens, Ref: APP/T2215/W/19/3221095 and The Mount Cottage, Barn End Lane, Ref: APP/T2215/W/19/3220511.

Planning balance

14. The Council can demonstrate a five year supply of housing land but the net increase of one dwelling proposed would nonetheless make a small additional contribution towards the general need for housing. The limited scale of the proposal would not have a significant adverse effect on the Council's windfall housing strategy set out in its development plan and SPD. However, the adverse effects of the proposal on the character and appearance of the area, would significantly and demonstrably outweigh the benefit of a single additional dwelling. The development would thereby be contrary to Policy CS10 (4b) of the DCS that weighs the benefits and disbenefits of developments on windfall sites. The proposal would not therefore be an acceptable windfall development.
15. The appellant has drawn my attention to other decisions as justification for the proposal. Firstly, to an appeal decision allowing a single infill dwelling at 120 Coombfield Road. This relates to a continuation of a line of dwellings that respects the size, design and spacing of adjacent dwellings and the character of the area; the appeal proposal would fail to do this. Secondly, reference is made to the provision of two replacement dwellings at 100 Mill Road also within the built-up area of Hawley, but where the Council considered the principle of redevelopment to be acceptable. The report on the proposal noted that "*the design sits well within the street scene and would not appear unduly out of place*"; this comment cannot readily be applied to the current appeal proposal.

Other matters

16. I have noted the representations from local residents, some of whom have objected to the proposal on issues other than those specified in the Council's decision notice, including the amenity of neighbouring occupiers and highway safety, but I have no reason to disagree with the Council's assessment of these matters.

Conclusion

17. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR