



Appeal Decisions

Site visit made on 21 July 2020

by L Gilbert BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2020

Appeal A Ref: APP/T2215/W/20/3252147

Land to the rear of Wilmington Place, 165-173 Hawley Road, Dartford DA1 1AU

- 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 A Future Investments (Kent) Limited against the decision of Dartford Borough Council.
 - The application Ref DA/19/01065/FUL, dated 26th July 2019, was refused by notice dated 12th November 2019.
 - The development proposed is construction of a building comprising 6 no. self-contained flats (6 x 1-bed) with associated car parking, cycle parking and refuse stores, including demolition of garage to the rear and extension of dropped kerb at site frontage.
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Appeal B Ref: APP/T2215/W/20/3252146

Land to the rear of Wilmington Place, 165-173 Hawley Road, Dartford DA1 1AU

- 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 A Future Investments (Kent) Limited against the decision of Dartford Borough Council.
 - The application Ref DA/20/00268/FUL, dated 26th February 2020, was refused by notice dated 23rd April 2020.
 - The development proposed is erection of a building comprising 6 no. self-contained flats (3 x 1-bed and 3 x 2-bed) with associated car parking, cycle parking and refuse stores, including demolition of garage to the rear and extension of dropped kerb at site frontage.
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Decision

1. Appeals A and B are both dismissed.

Procedural Matters and Main Issues

2. Both appeals propose 6 self-contained flats and include associated car parking, cycle parking and refuse stores. Appeal A is for 6 x 1 bed units whereas Appeal B is for 3 x 1 bed and 3 x 2 bed units. Following the submission of amended drawings, the Council is no longer contesting the fifth reason regarding cycle storage in Appeal A.
3. The main issues in both cases are the effect of the development on:
 - (i) the character and appearance of the locality, including Wilmington Place;

- (ii) the living conditions of the occupants at the neighbouring dwelling at 175 Hawley Road, with reference to outlook; and,
- (iii) the adequacy of living conditions for future occupiers (*Appeal A only*).

Reasons

Character and Appearance

4. The appeal site contains Wilmington Place, previously an office building, but now converted to residential accommodation over three floors. The existing building has a wide frontage to the road, with bay windows and a hipped roof. It has a central opening with accommodation over providing vehicular access to car parking at the rear. Both appeal proposals would be attached to the rear of Wilmington Place on land that is currently cordoned off and used for materials storage but previously formed part of the car park. The surrounding area is predominantly residential with a mix of housing types and designs, although there is open land to the southwest and commercial premises to the northeast.
5. In Appeal A, the proposal would extend from an existing flat roofed rear addition at the host building and would have a predominantly flat roof with a small sloped section to the south east. Residential accommodation would be provided over two levels. The building would be finished in white painted render at ground floor level and a red brick at first floor.
6. The proposal would be substantially lower than the main roof ridge height at Wilmington Place and would be the same height as the existing two-storey part of the flat roofed addition it would adjoin. However, the proposed building would be considerably wider and deeper than this existing rear addition. The first floor of the north western elevation facing the car park would project forward over the ground floor, adding to the building's massing and bulk, and this together with the predominantly flat roof, would emphasise its box-like appearance. The overall design pays little regard to its surroundings, including the host building. The proposed window arrangement and roof form lack consistency with the host building. Overall, this block-like proposal would appear as an excessively bulky and incongruous addition to Wilmington Place.
7. In Appeal B, the proposal would again extend from the existing rear addition but would rise significantly higher than the scheme in Appeal A with accommodation provided over three levels. The palette of materials would be clay hanging tiles to the upper levels and white brick to the ground floor. The building would incorporate an irregular pitched roof: the north west elevation facing the car park would, at third floor level, have a small sloping roof containing rooflights, whereas the south eastern elevation would have a large catslide roof, with rooflights, facing towards No 175 Hawley Road. The appellant states that the aim of this roof design is to shift the bulk of the building away from the neighbouring property towards the centre of the site. However, this design approach would appear awkward and contrived, and bears little relationship to the host building.
8. Notwithstanding various features designed to reduce the appearance of the bulk, the scheme set over three levels would appear as a very substantial rear addition to Wilmington Place. The projecting upper floors over the ground floor on the north west elevation would create a box-like appearance, emphasised by the choice of materials, and the irregular roof form would appear

incongruous in comparison with the host building. Overall, the addition would appear of excessive scale and bulk and would fail harmonise with its surroundings.

9. The appellant states that the schemes are not intended to be read as an extension of Wilmington Place, but to appear as a separate and secondary element. I do not support that approach given that both schemes would be attached to Wilmington Place. It is an inevitable consequence that the existing building provides the immediate visual context and that both schemes would be read together with the host building. I accept that there would be limited views of both schemes from Hawley Road, but this does not overcome my concerns about the designs. The appellant also refers to a scheme granted on appeal at Eloise Court as setting a precedent but that scheme does not share the same site characteristics or circumstances as these appeals.
10. Consequently, I find that both the proposals would harm the character and appearance of the locality and Wilmington Place. They would therefore conflict with Policies DP2 and DP7 of the Dartford Development Policies Plan 2017 ('the DDPP'). These policies require developments to reinforce the positive aspects of the locality and not be visually obtrusive.

Living Conditions at 175 Hawley Road

11. The neighbouring dwelling at 175 Hawley Road has ground floor side and rear windows that serve a kitchen and dining area. At first floor level, a side and rear window serve separate bedrooms and a bathroom. The outlook from the rear of No 175 currently has open views across the rear of the appeal site. This neighbouring property is set in from the shared boundary.
12. Both appeal proposals would be set back in excess of 3 metres from the shared boundary with No 175. Nonetheless, the overall scale and excessive depth of both proposals would harm the outlook and appear overbearing when viewed from the ground and first floor rear habitable room windows at No 175. Although the sloping 'catslide' roof design in Appeal B is designed to lessen the appearance of bulk from this neighbour, it would still appear as a dominant and intrusive structure.
13. Although I appreciate that the appeal site does not currently contribute much aesthetically to the locality as it is currently being used for materials storage, it does nonetheless provide a level of openness when viewed from No 175. In contrast, the scale, bulk and depth of both schemes would considerably diminish this open aspect resulting in a permanent large structure that would adversely harm the outlook from No 175 and create an unneighbourly form of development.
14. Accordingly, I find both proposals would harm the living conditions at No 175 with reference to outlook. They would conflict with Policies DP5 and DP7 of the DDPP which require that developments do not have unacceptable impacts on neighbouring residential amenity.

Living Conditions for Future Occupiers – Appeal A only

15. The scheme proposes that in the first floor bedrooms, the sole source of daylight would be via windows located in the ceiling of the flat roof. This is to avoid overlooking to neighbouring properties. Although openable, these bedroom windows would provide no real outlook for future occupiers. Given

that these would be one bedroomed flats, the bedrooms would be in constant and regular use. I do not consider this would provide satisfactory living accommodation for the future occupiers in terms of outlook. The scheme would therefore conflict with Policy DP5 of the DDPP which states that development will only be permitted where it does not result in unacceptable material impacts on the Borough's environment or public health.

Planning Balance and Conclusion

16. Both appeals would provide additional housing in a reasonably accessible location, served by public transport, and with access to shops and services close-by. The proposals would make good use of an under-utilised area of land. I appreciate that the designs of the schemes have evolved through pre-application discussions with the Council and have attempted to address the constraints of the site. I acknowledge that the proposals are not located within a conservation area, and that landscaping is proposed along the south eastern boundary to lessen the impact on the neighbouring property. However, both schemes would conflict with the development plan for the reasons given above. Any benefits of the schemes are outweighed by the harms that would arise. I therefore conclude both appeals would conflict with the development plan and should therefore be dismissed.

L Gilbert

INSPECTOR