

Appeal Decision

Site visit made on 17 November 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2021

Appeal Ref: APP/T2215/W/20/3256049

15 Larch Road, Dartford DA1 2LE

- 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 Stefan Vrincianu (Larch Build Ltd) against the decision of Dartford Borough Council.
 - The application Ref DA/20/00085/FUL, dated 22 January 2020, was refused by notice dated 18 June 2020.
 - The development proposed was initially described as “demolition of the existing garage and erection of one family dwelling.”
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The statements of both main parties identify that amended plan 03 Revision A Option 2 (AB), dated 22 April 2020 was submitted during the course of the application. That plan was referred to in the Council’s decision notice and the appellant’s list of plans upon which the Council based their decision. The statements of both main parties reflect the development shown by that plan. Accordingly, whilst some submissions are imprecise, it is clear that the proposed development is that which is shown within the abovementioned amended plan and I shall proceed on that basis.
3. The description used in the heading above has been taken from the original application form. Whilst the Council used a different description within their initial public consultation and the appellant has used the same description within the appeal form, that description reflected the original plans rather than the amended plan referred to above. Given the other submissions of both main parties, I do not find that description to be applicable to the development that is the subject of this appeal. The Council’s Decision Notice uses a different description that has also been used by the appellant in their statement of case, but it has not been clarified that this description has been agreed. For these reasons, I have used the description given in the original application form which is adequate.

Main Issues

4. The main issues are the effect of the development on:
 - The character and appearance of the area;
 - The living conditions of future occupiers with particular regard to internal living space, external garden space and outlook; and
 - Whether the site is a suitable location for windfall residential development.

Reasons

Character and Appearance

5. The appeal site sits at one corner of the junction of Chestnut Road and Larch Road which is within a residential area consisting of terraced and semi-detached dwellings that have substantial spaces to the sides, particularly adjacent to road junctions. Although fencing and trees obscure views of the gardens to the side of the dwellings that are adjacent to the junctions, the setback of the built form from the public domain provides a sense of spaciousness that contributes positively to the residential environment. The arrangement of the buildings also creates a distinctive pattern which is a noticeable feature of the locality and, whilst this has been eroded to a small extent due to the erection of extensions and outbuildings, the formality of the layout of the built form adds to the character of the area.
6. The appeal site reflects the surrounding area as it hosts a semi-detached dwelling and a single storey garage building with a substantial garden to the side and rear. The proposal would involve the erection of a detached dwelling at the site with accommodation provided over three floors. The dwelling would sit on a plot that is substantially smaller than the other plots around the site. Moreover, the dwelling would be positioned with its front elevation aligning with the front of the single storey projection at the front and side of the existing dwelling of 15 Larch Road rather than the main two storey part of that dwelling and the other dwellings within the street. As a result, the dwelling would not reflect the arrangement and pattern of development within the vicinity of the site and would erode the contribution that this makes to the character of the area.
7. Furthermore, as a result of the dwelling being detached, lower in height than the adjacent dwelling and irregular in shape and roof design, with a dormer window to the side, the dwelling would be of a form, scale and appearance that would relate poorly to the built form of the surrounding area. Consequently, the proposed dwelling would appear incongruous and discordant within its context and not be sympathetic to local character. These aspects of the proposal would exaggerate the effect of the other harm that has been identified above.
8. For these reasons, the proposal would have an unacceptable effect on the character and appearance of the area. The development would, therefore, be contrary to Policies DP2 and DP7 of the Dartford Development Policies Plan 2017 (The DDPP) which, together, require that development does not erode local character, is not visually obtrusive and responds to, reinforces and enhances the positive aspects of the locality.

Living Conditions of Future Occupiers

9. The submitted plans show that the dwelling would feature 2 bedrooms. Whilst the main parties disagree over the potential rate of occupancy of the proposed dwelling, the measurements stated on the submitted plans indicate that one of the bedrooms would exceed the minimum size for a double bedroom that is set out within the Technical Housing Standards – Nationally Described Space Standard (The THS). The other bedroom would not meet the size standard for a double bedroom and, as such, I shall proceed on the basis that it would be a single bedroom. Therefore, the standards contained within The THS indicate that the 2 bedroom dwelling would be suitable for occupation by 3 people.
10. As it features two bedrooms and would be of sufficient size to host 3 residents, the proposed dwelling would be able to be occupied by a family who would be served by a small garden to the rear and a strip of land at the side of the building that would be too narrow to represent usable garden land. An area of garden would

also be provided to the front of the dwelling and, whilst the submitted plans do not clarify if the fencing adjacent to Larch Road would be retained, doing so would enable a private garden area to be retained at the front of the dwelling. However, other than the proposed front door, no other doors have been proposed and, as such, the means of accessing the garden area is unclear. Therefore, whilst the pockets of garden space available to serve the proposed dwelling might be adequate in terms of size, the relationship with the internal accommodation would be poor and not enable the garden space to be considered high quality in terms of usability.

11. The dwelling features accommodation over 3 floors and, as such, The THS provides no guidance as to the minimum internal floor area of the dwelling. In this regard, whilst the appellant has identified that the proposal would accord with the standard that is applicable for a 2 storey, 2 bedroom dwelling, I do not find this to be determinative in this case as the provision of a third floor would require additional circulation space. As such, complying with that standard does not indicate that future occupiers would be provided with satisfactory living conditions. However, in this case, the habitable rooms appear to be of sufficient size to enable a reasonable level of accommodation to be provided. Furthermore, although one side facing window would be close to a fence, the other windows serving the open-plan living space at ground floor level would be sufficient to provide adequate light and outlook to the occupiers of the proposed dwelling.
12. For the reasons set out above, whilst the accommodation would be acceptable in some respects, the development would have an unacceptable effect on the living conditions of future occupiers in terms of the provision of external garden space. The proposal would, therefore, be contrary to those parts of Policies DP7 and DP8 of The DDPP which require that dwellings are provided with usable and good quality gardens and achieve a satisfactory quality of residential development.
13. As Policy DP5 relates to neighbouring uses rather than future occupiers of the proposed development, I do not find it to be determinative in this respect.

Whether the site is a suitable location for windfall residential development.

14. Policy CS10 of The Dartford Core Strategy (The DCS) sets out criteria by which windfall residential development is to be assessed, including requiring an assessment of whether the benefits of the proposal outweigh the disbenefits. In this regard, for the reasons set out above, substantial disbenefits of the proposal would include the harmful effect on the character and appearance of the area and the effect on the living conditions of future occupiers.
15. The submitted plans indicate that a parking space would be retained to serve the existing dwelling but no parking would be available to serve the proposed dwelling. Although the site is reasonably well located in terms of access to services, facilities and public transport, it is likely that occupiers of the proposed dwelling would own a car and, in the absence of an alternative, would park within the street. In this regard, the proposal would not comply with the Council's parking standards and no evidence has been provided that demonstrates that the streets surrounding the appeal site would be able to accommodate additional parking without reducing safety or convenience for existing residents. Therefore, the proposal would not accord with Policies DP3 and DP4 of The DDPP which, together, require that developments are provided with parking in accordance with the abovementioned standards and avoid causing excessive pressure for on-street parking.
16. The existing dwelling would retain a garden to the rear and the space between the existing and proposed dwelling. As such, the garden land would be enclosed by

the existing and proposed buildings and boundary treatments to the extent that it would represent poor quality amenity space that would not be of sufficient standard to provide good quality living conditions as is required by the National Planning Policy Framework (The Framework). The proposal would also have an enclosing effect on the side garden of 10 Chestnut Road and lead to two windows overlooking that garden, at least one of which would be required to be fitted with clear glazing in order to provide future occupiers of the proposed dwelling with an acceptable outlook. Consequently, the development would have a detrimental effect on the quality of the amenity space available to serve the occupiers of both neighbouring dwellings. In this respect, the proposal would be contrary to Policies DP5, DP7 and DP8 of The DDP which, in addition to the abovementioned requirements relating to garden space, require that development does not harm existing residential amenity.

17. The proposal would boost housing supply and, whilst the Council have identified that the supporting text of Policy CS1 of The DCS promotes the use of previously developed land, the policies cited by the Council do not specifically prohibit development on greenfield land. In this regard, Paragraph 68 of The Framework supports windfall developments, particularly on small and medium sized sites, and recognises that great weight should be afforded to the benefits of using suitable sites within existing settlements for homes. Although the Council is able to demonstrate an adequate supply of housing to meet identified targets and a high rate of housing delivery, I have no basis to conclude that the housing targets should be considered to represent a ceiling for development. Consequently, I afford substantial weight to the boost to housing supply, albeit the benefit arising in this respect would be modest due to the proposal relating to a single dwelling.
18. The dwelling being well located to access to services and facilities, particularly those within Dartford Town Centre, and public transport connections accords with the criteria of Policy CS10 of The DCS relating to the sustainability of the site for housing development in those respects. However, as this is to be expected wherever possible, this is not a benefit that I afford more than a little weight.
19. For the reasons given above, whilst the proposal would be acceptable in some respects and would bring about benefits that I afford weight as set out above, those aspects of the proposal would not outweigh the harm that would be caused in respect of the effect on the character and appearance of the area, the living conditions of the occupiers of the existing and proposed dwellings and the provision of parking. Consequently, the site would not represent a suitable location for windfall development having regard to the criteria contained within Policy CS10 of The DCS.

Other Matter

20. A copy of a legal agreement between the Council, the appellant and another party has been provided that relates to the releasing of a covenant. However, this is not a planning obligation and the matter addressed by that legal agreement does not alter my assessment of the planning merits of the proposal.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR