



Appeal Decision

Site visit made on 2 March 2021

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/T2215/W/20/3259209

Land adjacent 17 Coombfield Drive, Darenth DA2 7LG

- 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 D Rana against the decision of Dartford Borough Council.
 - The application Ref DA/19/01711/FUL, dated 23 December 2019, was refused by notice dated 7 August 2020.
 - The development proposed is demolition of existing double garage and erection of an attached 3-bed dwelling with associated parking, amenity space and landscaping.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 17 March 2021.

Decision

1. I allow the appeal and grant planning permission for demolition of existing double garage and erection of an attached 3-bed dwelling with associated parking, amenity space and landscaping at land adjacent to 17 Coombfield Drive, Darenth DA2 7LG in accordance with the terms of the application Ref DA/19/01711/FUL, dated 23 December 2019 and subject to conditions 1) to 12) on the attached schedule.

Main Issues

2. These are;
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on choice and diversity in the housing stock.

Reasons

3. Core Strategy Policy CS10 concerns housing provision with part 4 on windfall sites stating that proposals will be assessed in the same way as planned development by consideration of criteria a) to d) which will be considered in detail later in this Decision. Part 5 concerns the impact on infrastructure capacity. The Dartford Development Policies Plan contains Policy DP2 on good design, Policy DP6 on sustainable residential locations and Policy DP7 on the Borough housing stock and residential amenity.
4. The Council has adopted the '*Housing Windfall Supplementary Planning Document*' which refers to Policy CS10 and sets out the Council's approach to such housing provision. The guidance is intended to provide information to help with the interpretation of existing policy, ensuring transparency and

consistency in the application of the policy; and assisting applicants to understand how policy criteria will be applied in the assessment of proposals. It will help to confirm whether windfall site proposals are consistent with policy CS10 (4) and suitable for housing.

5. Paragraph 59 of the National Planning Policy Framework states the Government's objective of significantly boosting the supply of housing while Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Character and Appearance

6. The site is a corner plot within a built-up residential area having a mixed character and appearance. There are, within a short distance of the property, examples of semi-detached pairs that have been extended on one side, albeit as part of the same dwelling, and examples of terraced properties. The hilly nature of the area has led to stepped arrangements in many places. The site of the proposed additional dwelling, and extension to the pair, is currently occupied by a wide garage with 2 doors and a central pier, the building being covered by an asymmetrical pitched roof from front to back. The site is prominent in the street-scene from 3 directions and the differences in the roof ends between the pair and the large rear dormer extension to the other half appear as discontinuities in the street scene.
7. The proposal would be an extension of the present hip ended number 17, with a gable end to both the old and new, similar to that in place on the neighbouring property, and would be stepped down to address the level of the road junction. The result would be a better proportioned building encompassing 3 dwellings, and a better resolved street-scene in this prominent road junction position with views from lower levels approaching from the south and higher levels from the east and west. There would remain sufficient garden space and parking to serve the 2 dwellings, and views to open country would remain down the side road part of Coombfield Drive.
8. The provision would be as a windfall site and Policy CS10 contains a specific section to test such proposals; criteria c) and d) will be considered in the next main issue, but it is concluded now that the site's location relative to public transport, shops and services is acceptable, as is the proposal to make better use of land within a built-up area, albeit the definition in the Framework Glossary precludes the use of the term 'previously developed land'. Nevertheless, the development could avoid the use of more sensitive locations, and the present appearance of the site is somewhat 'damaged' by the uncharacteristic garage building and amount of hard landscaping. As a result, the visual benefits of the development far outweigh the loss of the garage, so that criteria a) and b) are met.
9. The Supplementary Planning Document sets out considerations at Figure 1, and the appeal proposal accords with the first two steps, as the requirements of Policy CS10(4)a) and b) are met as well as the design meeting the standards of Policies DP2, DP6 and DP7.

Housing Stock

10. Criteria c) and d) of Policy CS10 together with the third and fourth steps in the Supplementary Planning Document concern the capacity of infrastructure and services to provide for the additional occupiers. The proposal is for only a single additional dwelling, and Dartford can demonstrate a five-year supply of housing land. There is a high level of supply in numerical terms, as stated in the Document, and the latest Housing Delivery Test results are good.
11. It is noted however that notwithstanding the terms of the Reason for Refusal, the Council's Appeal Statement considers criteria c) and d) to be less relevant to the case. With regard to the diversity in housing stock, the reduction in the land associated with the present house, whether used for garaging, parking or garden as stated in the Reason for Refusal, is of limited weight, as the existing house would remain the same and both it and the additional house would have sufficient garden and parking.
12. In the planning balance, there are visual benefits and the provision of housing in a sustainable location, and the lack of harm to matters of planning importance reinforces the view that permission should be granted.

Conditions

13. The Council Officer's original Report recommending approval gave a commentary on conditions requested and those considered appropriate, and a list has been provided to the appeal. The appellant accepts the need for all but numbers 11) and 12) and this is taken to be agreement as required under the provisions for pre-commencement conditions.
14. In addition to the standard time condition and one listing the drawings for the avoidance of doubt, it is reasonable and necessary to control levels and retaining structures on this elevated site; the use of materials in this prominent location and where proposed to be attached to an existing building; the nature of the hard and soft landscaping due to the prominence of the site and the benefits that have been weighed in the planning balance, and provisions to ensure that boundary treatments, parking areas and electric car charging points are provided prior to occupation would be essential.
15. Due to the location of the site and the need to work close to other dwellings, a condition limiting the times for construction work is warranted and this should make clear that the times apply to deliveries as well.
16. Condition 11) concerns the National Space Standards as Building Regulation Optional Requirements. The Council refer to Policy CS17 on the design of homes, but this does not mention the Standards, and dates from 2011, prior to the Written Ministerial Statement of 25 March 2015. However, they are a requirement of Policy DP8 of the 2017 Development Policies Plan, in line with the statement in the web-based Planning Practice Guidance (Paragraph: 002 Reference ID: 56-002-20160519).
17. With regard to Condition 12), the cited Policy DP11.1 states that to deliver the aims of Core Strategy Policy CS25, all dwellings (Class C3) created in Dartford will be permitted only where they demonstrate delivery of the water efficiency requirement level of 110 litres per person per day. Although the appellant considers this not to be enforceable, which is one of the tests of conditions stated in both the Framework and the Planning Practice Guidance, metering would be in place and were the Council minded, could be checked. Water

efficiency in the design of outlets is good practice and as part of controlling climate change.

Conclusions

18. Regardless of the good supply of housing land and its delivery, the Government's aim of boosting significantly the supply would be furthered by this proposal and the location of the site lends itself to windfall provision of a single dwelling. The site is prominent but not an attractive feature of the street scene and with conditions controlling levels and the appearance of the development and its landscaping, the proposal would enhance the character and appearance of the area. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

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 in accordance with the following approved plans: CD17-A-P1 rev 1, CD17-A-P4 rev 2, CD17-A-P5 rev 2 and CD17-A-P3 rev 3
- 3) Before commencement of the development hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - a) details of existing and proposed levels of the land and buildings;
 - b) cross-sections through the driveways proposed and north-south and east-west through the site.
 - c) details of proposed ground floor levels of the proposed dwelling;
 - d) a plan and cross-sections showing full details of the proposed retaining walls;The development shall be carried out only in accordance with the approved details.
- 4) Prior to development beyond slab level of the new dwelling hereby approved, details and samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.
- 5) Prior to development beyond slab level of the new dwelling hereby approved, a landscaping scheme for all areas excluding the private rear garden including both hard and soft landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The approved

landscaping shall be implemented prior to first occupation of the dwelling hereby approved (unless this falls outside of the planting season in which case the soft landscaping shall be implemented at the first opportunity during the following planting season, between October and March inclusive). The landscaping shall thereafter be maintained for a period of five years. Any trees, shrubs or grassed areas which die, are removed or become seriously damaged or diseased within this period shall be replaced within the next planting season with plants of similar species and size to that approved.

- 6) No construction work shall take place on the site, nor deliveries of building materials made to it, outside the hours of 0800 to 1800 Mondays to Fridays inclusive, and 0800 to 1300 on Saturdays with no working on Sundays and Bank or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.
- 7) Prior to occupation of the development hereby approved boundary treatments and enclosures shall be erected in accordance with the details to have been submitted and approved in writing by the Local Planning Authority. Such boundary treatment shall be maintained thereafter.
- 8) Prior to occupation of the development hereby approved, the areas to be used for the parking and manoeuvring of vehicles shall be drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter maintained in accordance with the approved details.
- 9) Prior to occupation of the new dwelling hereby approved 2 car parking spaces and means of access to these spaces shall be provided for the each dwelling within the relevant curtilage in accordance with the sizes required by the Council's adopted Parking Standards and be kept available for such use at all times and no development whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), shall be carried out on that area of land or to preclude vehicular access thereto.
- 10) Prior to occupation of the development hereby approved, 1 No. electric vehicle charging point shall be provided to serve the proposed dwelling in accordance with details to have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be maintained as approved thereafter.
- 11) Before occupation the dwelling shall comply with the National Space Standard/Building Regulations Optional Requirement. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans application or Building Notice to enable the building control body to check compliance.
- 12) The dwelling hereby approved should be designed to be able to demonstrate delivery of a water efficiency requirement level of 110 litres per person per day.