
Appeal Decision

Site visit made on 21 October 2021

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2021

Appeal Ref: APP/T2215/W/21/3273743

2 St Edmunds Road, Dartford DA1 5NE

- 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 Jiaming He against the decision of Dartford Borough Council.
 - The application Ref DA/21/00239/COU, dated 15 February 2021, was refused by notice dated 20 April 2021.
 - The development proposed is change of use of side extension to takeaway tea shop (class E).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - whether the location of the development is appropriate having regard to local planning policy; and
 - the effects of the development on the living conditions of neighbouring occupiers.

Reasons

Location of Development

3. No.2 St Edmunds Road is a two-storey end of terrace dwelling close to a junction with Farnol Road. The immediate area is definitively residential in character, although a number of community buildings are in close proximity to the appeal site including the Temple Hill Baptist Church and Temple Hill Primary Academy.
4. The appeal proposal involves converting the single storey flat roof extension to the side of No.2 from a domestic kitchen to a takeaway tearoom. A worktop would be installed subdividing the kitchen area, providing a small amount of covered floorspace to sell tea to drop-in customers. Persons attending the takeaway tearoom would walk across part of the driveway of No.2 and in through the existing bi-fold doors.
5. Policy CS12 of the Dartford Core Strategy 2011 (the CS) and Policy DP14 of the Dartford Development Policies Plan 2017 (the DPP) seek to support and strengthen existing centres of commercial activity, requiring a sequential

approach to be taken by new development proposals, with a priority on directing development to within existing service centres.

6. The appeal site falls outside of the Temple Hill Square District Centre that sits to the southwest of the Temple Hill Primary Academy, as shown in Figure 4 in the DPP and is not adjacent to any commercial frontage. No evidence has been submitted to demonstrate that a sequential approach has been considered or that the proposed development is needed outside of the District Centre. Whilst the introduction of 'bubble tea' would represent a cultural addition to the diversity of services and facilities available in the locality, this in itself would not justify a departure from the sequential test approach advocated by the Development Plan.
7. In the absence of any justification for the location of the takeaway tearoom, the proposal would be contrary to the Council's strategic objectives for commercial development by harmfully undermining the viability and vitality of the District Centre. The proposal would therefore be contrary to policies CS12 and DP14 of the Development Plan.

Living Conditions

8. The immediate neighbours that share boundaries with the appeal site are No.4 St Edmunds Road to the west and No.35 Farnol Road to the east. The front garden boundaries are formed by low wooden fences over which views can be experienced. The side extension within which the proposed change of use would take place is on the eastern side of No.2, closer to No.35.
9. I noted from my site visit that No.35 is a corner plot, with the property itself at such an angle that the front windows face away from the drive of No.2. Given the orientation of that property and its relationship to the frontage of No.2, I do not consider a material loss of privacy to habitable rooms would occur.
10. The proposal is to operate the tearoom between 1300-1700 hours Monday to Friday. Whilst quiet during my site visit, it is conceivable that the area surrounding the appeal site could be busy and noisy when pupils leave the nearby school, with children and parents congregating in local roads. The nearby church, albeit on the opposite side of St Edmunds Road, would also generate a degree of activity at other times of the day. The retention of people briefly at the appeal site for purchasing tea would not therefore be an unusual noise source or particularly out of character for the locality.
11. Whilst I acknowledge that the proposed tearoom would attract a degree of custom, with customers likely waiting on the front drive of No.2 itself, this would be for a limited time and would not extend into unsociable hours. I do not therefore consider that the living conditions of nearby residents would be adversely affected by noise or disturbance, as found by the Council's Environmental Health Officer. I also note the appellant's submissions that the tearoom would not generate significant odour or rubbish on the premises.
12. The Council has raised concern about the impact of the proposal upon future occupiers of No.2 were the business to be sold separately from the residence. I do not share these concerns given the physical, functional and integral nature of the side extension as a kitchen to the main dwelling and consider it a highly unlikely scenario that the room would become divisible from No.2.

13. I therefore conclude that the proposal would be unlikely to have an adverse effect on the living conditions of the neighbouring residential occupiers. On this basis the proposal would accord with policies DP5 and DP19 of the DPP, which seek to protect amenities of residents from unacceptable material impacts.

Other Matters

14. My attention is drawn to services being operated within the nearby church, including offering a children's nursery. However, the church is an established community facility in the locality and that use enables some flexibility in the activities that can be undertaken. Community uses are also assessed as to their acceptability against different policies of the Development Plan.

Conclusion

15. Whilst the proposal would not have an adverse effect on the living conditions of residents, this does not outweigh the direct conflict with the spatial objectives and strategy set out within the Development Plan.
16. The appeal is dismissed.

David Wallis

INSPECTOR