



Appeal Decision

Site visit made on 9 November 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2021

Appeal Ref: APP/T2215/W/21/3272111

30 Hazel Road, Dartford DA1 2SE

- 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 Bodrud Ali against the decision of Dartford Borough Council.
 - The application Ref DA/20/01464/FUL, dated 20 November 2020, was refused by notice dated 18 February 2021.
 - The development proposed is Erection of a house on a garden including driveways (dropped kerb) and parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reason for refusal makes reference to the quality of internal space. Having regard to the Council's delegated report it is clear the Council's concern relates to the outlook from and daylight to the internal space, which is reflected in my setting out of the main issues below.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the area;
 - whether the development would provide satisfactory living conditions for the future occupiers of the new dwelling with particular reference to external space provision, daylight, and outlook; and,
 - whether the development would provide satisfactory living conditions for the occupiers of No 30 Hazel Road with particular reference to external space provision.

Reasons

Character and appearance

4. The appeal site comprises a side and front garden area of No 30 within a planned estate where the prevailing pattern of development is that of arrangements of short terraces and semi-detached primarily two storey dwellings of similar house types and styles. The pairs and groups of dwellings

- exhibit a high degree of coherence, uniformity, and rhythm in respect of their bulk, scale, height, roof forms and appearance at first floor level. As a corner plot at the entrance to a cul-de-sac, the appeal site contributes to a significant sense of spaciousness, verdancy, and degree of symmetry at the cul-de-sac entrance, positively contributing to the character and appearance of the area.
5. This appeal scheme has been reduced from a previous scheme considered at appeal¹. I note the single storey flat roof garage at No 8 results in a reduced symmetry at the cul-de-sac entrance. However, its limited height maintains some symmetry and sense of openness. This proposed single storey pitched roof dwelling would introduce a significantly greater mass and scale of development, harmfully diminishing the sense of openness at the appeal site. It would also be considerably higher than the garage at No 8, significantly further diminishing the symmetry at the cul-de-sac entrance.
 6. The proposed design and materials may be reflective of some attributes of No 30. However, this new dwelling would be single storey with a markedly shallower roof form, smaller windows, and only one small window on the rear elevation. This would be significantly and harmfully at odds with the prevailing pattern of development nearby of primarily two storey similarly designed dwellings and flat roofed outbuildings, and it would not relate well to No 30.
 7. Planning conditions such as those to secure landscaping could result in small beneficial effects to the overgrown appearance of the site, but would not overall, mitigate or overcome, the significant harm to character and appearance. For this reason, the development would be incongruent with and significantly harmful to the character and appearance of the area, prominently visible from both the main Hazel Road thoroughfare and the cul-de-sac.
 8. The lapsed side extension and detached garage were mono-pitched and flat roof designs, with less height, mass, and bulk than the appeal proposal, so attracts limited weight. I do not have the full circumstances and details of the appeal decision² at Beech Road or Ref 17/00317/FUL at Lowfield Street before me, so cannot make a fully reasoned comparison with the appeal proposal. However, both are two storey dwellings closely aligned with neighbouring and perpendicular terraces, so are significantly different to this appeal proposal, and do not justify allowing this appeal.
 9. For the reasons set out above the development would be at odds with and would be significantly harmful to the character and appearance of the area, in conflict with Policies DP2, DP6 and DP7 of the Dartford Development Policies Plan (2017) (the DDPD). Amongst other things these require development should exhibit good design, reinforce positive aspects of the locality, preserve, and enhance and not erode the character and appearance of the area having regard to the historical pattern and form of development.

Living conditions – new dwelling

10. Policies DP7 and DP8 of the DDPD expect development to provide private garden spaces of a good quality and useable size. The space allocated for private rear outdoor space would in principle be of an adequate size and shape for the proposed dwelling. Such space is of benefit and value for well-being for

¹ APP/T2215/W/18/3204175

² APP/T2215/W/17/3175046

household and leisure activities, such as gardening, drying clothes, play space, sitting outside, fresh air, and other hobbies.

11. Presently the appeal side is surrounded by a low brick wall, fence, and gates. The enclosure of the proposed outdoor space with hedging might result in the space being adequately private at some point in the future, subject to planning conditions securing a suitable final height and on-going maintenance and retention. However, for a number of years there would be clear, close proximity and direct visibility into the space from two directions from passers-by on the footway. Therefore, if I were to allow this development, there would not be likely to be adequately private garden space for a number of years.
12. There is only one small obscure glazed window proposed on the rear elevation, so daylight to and outlook from the internal space would be from the two front facing windows. Internally it would be configured in an open studio type layout over a floor area of approximately 38 square metres with an internal depth of approximately 5.1m. Given this, the size of the front windows, the open outlook from which they would benefit, and the limited internal depth, I see no reason why this development would not provide an adequate level of daylight and outlook to the bedroom area. Therefore, in this regard it would provide satisfactory living conditions to the future occupiers of the new dwelling.
13. However, for the reasons set out above, the proposed development would not provide satisfactory living conditions for the future occupiers of the proposed new dwelling with respect to outdoor space provision. This would conflict with Policies DP6, DP7 and DP8 of the DDPD. In combination and amongst other things these policies seek to ensure that development provides good quality useable private garden spaces.
14. The reason for refusal refers to Policy DP5 of the DDPD and Policy CS1 of the Dartford Core Strategy (2011) (the DCS). As these mainly relate to the focus for the spatial pattern of development, and the environmental and pollution effects of development upon neighbouring occupiers, they are of less relevance to this main issue than the other policies I have set out.

Living conditions – No 30 Hazel Road

15. No 30 has a modest enclosed private rear garden, and a large overgrown open side garden with little privacy, suggesting it has been used little if at all recently, and is of limited practical utility and benefit for the occupiers. Most of this side garden area would be lost for use by the host dwelling, save for a limited section to be integrated and enclosed by a fence.
16. The resulting enlarged rear garden of No 30 would still be relatively modest, enclosed in part by the existing two storey flank elevation of No 28 and new dwelling, limiting its outlook. However, the extension to the private garden would increase its size and effectively its outlook past the flank elevation of No 28. Having regard to the size of the host dwelling, and the combination of the size, shape, outlook, and daylight levels of the enlarged garden, I am of the view it would provide adequate living conditions for the occupiers of No 30.
17. For the reasons set out above, the development would provide satisfactory living conditions for the occupiers of No 30 with respect to the adequacy of private outdoor space provision, so it would not conflict with Policies DP6, DP7

and DP8 of the DDPD. Amongst other things these seek that development provides private garden spaces of an adequately good quality and useable size.

Planning Balance

18. The Council has advised that it can demonstrate a 5 year housing land supply (HLS). Based upon the evidence before me, I see no reason to disagree. The development would result in a small economic benefit during construction and a small and sustained benefit to the local economy once occupied. It would contribute to boosting the supply of housing and make a more efficient use of land. Even if the HLS position was marginal, the provision of a single additional dwelling in an accessible location would be a small social benefit. Overall, the benefits of the development attract limited weight in favour of the scheme.
19. Compliance with policies in respect of internal space provision for the new dwelling and external private space provision for No 30 are neutral matters attracting neutral weight. If I were to agree the development would be compliant with policies in respect of matters such as Community Infrastructure Levy, local services, the living conditions of neighbouring occupiers, and access and parking, these would also be neutral matters attracting neutral weight.
20. However, the development would be harmful to the character and appearance of the area and not provide suitable living conditions for the occupiers of the new dwelling in respect of private outdoor space provision, in conflict with policies of the development plan. The harm would be such that these matters attract significant weight against the scheme and would outweigh the benefits of the development. In consequence, for this reason the development would also conflict with Policy CS10b) of the CS and the Housing Windfall Supplementary Planning Document (2017) insofar as these seek to ensure the benefits of windfall development outweigh the disbenefits.

Conclusion

21. For the reasons set out above, the development conflicts with the development plan read as a whole. There are no considerations advanced, including the policies of the National Planning Policy Framework (2021), which outweigh these findings. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR