



Appeal Decision

Site visit made on 11 November 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/T2215/W/21/3274470

191 Shepherds Lane, Dartford DA1 2PS

- 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 A Merron against the decision of Dartford Borough Council.
 - The application Ref DA/20/01574/FUL, dated 14 December 2020, was refused by notice dated 5 March 2021.
 - The development proposed is for the demolition of the existing single storey garage and erection of a two storey two bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (a) the character and appearance of the area; (b) the living conditions of future occupants of the dwelling having regard to outlook and external amenity space; and (c) the provision of parking.

Reasons

Policy

3. Core Strategy (CS) 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 4 criteria. The guidance in the Housing Windfall Supplementary Planning Document 2014 (SPD) provides 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 helps to confirm whether windfall site proposals are consistent with policy CS10(4) and therefore suitable for housing.
 4. Consideration a) of Policy CS10(4) relates to the sustainability of the site whilst b) concerns the balance of benefits and disbenefits. Considerations c) and d), together with the third and fourth steps in Figure 1 of the SPD, concern the capacity of infrastructure and services to provide for the additional occupants.
 5. The Council has clarified that, in policy terms, the development of a windfall site for housing is not, in principle, unacceptable. With regard to the specific criteria of policy CS10(4), based on the fact that the proposal is for a single dwelling, the I note in the officer's report that the Council considers (c) and (d) to be less relevant in this case.
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6. Under consideration (a), the evidence before me indicates that two issues are of relevance, namely the accessibility of the site and development on garden land. I am aware that in such cases, a proposal must be determined having regard to policy DP7 of the Dartford Development Policies Plan July 2017 (DPP), which resists inappropriate development on residential garden land.
7. To my mind, in policy terms it seems that were all else acceptable, the considerations in Policy CS10(4) c) and d) need not prevent a development. It remains to consider the merits of the scheme and items a) and b).

Character and appearance

8. The appeal site is prominently located on a corner plot at the junction between Shepherds Lane and Orchard Avenue, and is currently occupied by a detached garage. A fence has been erected within the land and separates the garage and immediate surrounds from the host property. The surrounding area is residential in nature and consists of mainly two-storey, semi-detached dwellings with off-street parking to the front.
9. I note that the Council does not object to the design of the dwelling, rather that the plot would be too small to accommodate a house of the size proposed and the dwelling would not sit comfortably therein. I agree with this view. The rear and side gardens would have limited separation between the dwelling and the boundaries of the site; they are the hallmarks of being an afterthought rather than carefully designed and well-integrated amenity areas. This would result in a cramped appearance that would fail to reflect the existing development in the neighbourhood, including the setting in the Shepherds Lane Area of Special Character. The new arrangement would be unduly harmful to the spatial quality of the locale, with limited opportunity for meaningful landscaping.
10. Having regard to policy CS10(4) a), the Council judges the site to be an accessible location, yet is concerned that the scheme would result in the loss of a large garden, thus reducing the diversity in the stocks of houses with such outdoor provision. Bearing in mind my reasoning on this matter above, I consider that the proposal would fail criterion a), in that the size of the house would result in inappropriate development on this residential garden land.
11. I am therefore of the view that the proposal would result in harm to the character and appearance of the area. It would fail to accord with policies CS1 and CS10 of the CS, policies DP6, DP7, DP8 and DP12 of the DPP, and the Housing Windfall Supplementary Planning Document October 2014. Collectively these policies seek to secure new development of acceptable scale and appearance. It would also be inconsistent with the advice in the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Living conditions

12. The need to provide boundary treatments for privacy, and their close proximity to the side and rear elevations, would mean the internal and external spaces of the development at ground floor level would experience an adverse sense of enclosure. This would result in an oppressive environment and outlook for future occupants, and have a significantly limiting effect on the usability and function of the garden areas for family occupation.

13. Bedroom 2 would be served by an obscure-glazed window and a toplight with clear glass. To my mind, this arrangement would not provide for an adequate living environment and is further indication that the plot would be too small to accommodate a house of the size proposed.
14. I therefore conclude that the proposal would cause harm to the living conditions of future occupants of the dwelling having regard to outlook and external amenity space. It would be contrary to policy DP8 that seeks to secure the quality, scale, and form of internal and external spaces. It would also be inconsistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Parking provision

15. The appeal proposal would provide a single off-street parking space for the dwelling. I observed during my site visit that the area is a dense residential environment with high levels of on-street parking. Nevertheless, at the time of my visit at Thursday lunchtime, many on-street parking spaces were available close to the appeal site. Whilst I accept this is only a snap shot in time, it is an indication that on-street parking is not difficult to achieve at certain times of day. I also note that there are no restrictions by way of permits, time limits or a pay and display regime.
16. Based upon the evidence before me and my observations, I do not consider that the area suffers from undue parking stress and the scheme would be acceptable in this respect. There is sufficient on-street parking capacity to accommodate the demand arising from the development, without significantly worsening the current parking situation in the vicinity.
17. I therefore conclude that there would be no undue detriment with regard to parking provision. The scheme would meet policies DP3, DP4 and DP5 of the DPP in respect of traffic generation and environmental protection. The proposal is also consistent with the advice the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Planning balance

18. I acknowledge those matters that have been advanced in support of the development, including that the proposal would represent additional housing in an accessible location, an electric car charger would be provided, and there are no objections with regard to the dimensions of the internal rooms or the living conditions of the occupants of surrounding properties. However, these arguments do not outweigh the harm that I have identified above. I also note the appellant's argument that the site could be separated from the rest of the land; still the location plan before me shows a red line that includes the host property at 191 Shepherds Lane, and I therefore allocate this issue limited weight.
19. The proposal would make better use of land in a built-up area, nevertheless the proposal is for only a single additional dwelling, and the Council 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. Drawing all the strings together, I conclude that the benefits do not outweigh the disbenefits; such that consideration b) in Policy CS10(4) is not met.

Conclusion

20. Having regard to all matters raised, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR