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# Appeal Decision

Site visit made on 25 January 2022

**by Luke Simpson BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 February 2022**

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**Appeal Ref: APP/T2215/W/21/3275333**

**Land Adjoining 2 Cotton Lane, Greenhithe DA9 9BB**

- 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 Belldray Ltd against the decision of Dartford Borough Council.
  - The application Ref DA/20/00689/FUL, dated 12 June 2020, was refused by notice dated 18 February 2021.
  - The development proposed is described on the application form as 'Construction of 2 pairs of 3 bed semi-detached houses, with associated car parking, bicycle and bin storage and relocation of vehicular access drive.'
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to the revised Framework in considering this appeal.

## Main Issues

3. The main issues are:
  - The effect of the proposed development on Highway Safety, with particular regard to car parking provision and vehicle visibility splays.
  - The effect of the proposed development on the character and appearance of the appeal site and surrounding area.
  - Whether the site is a suitable location for the proposed development, having regard to the Council's strategy for the location of new housing on windfall sites.

## Reasons

### *Highway Safety*

4. The Council has raised concerns with regard to the proposed parking layout and the manoeuvres required in order to access and egress the proposed spaces. However, there is a relatively large shared driveway proposed, which would be located clear of the highway. As such, any concerns in relation to manoeuvrability, whilst a potential nuisance to future occupiers, would not be likely to result in an adverse impact on highway safety. This is because such

manoeuvres would likely occur within the site and would be unlikely to obstruct the highway.

5. The Council has also indicated that the proposed development would not provide enough visitor car parking spaces. 8 car parking spaces are proposed. The Parking Standards SPD<sup>1</sup> requires that 1.5 spaces are provided for each dwelling. This amounts to a total requirement of 6 spaces. In terms of visitor parking, the SPD sets out that 3 spaces per 10 dwellings are required. The Council consider this equates to a requirement for 2 additional visitor parking spaces in this case. As such, the 8 parking spaces proposed would meet the requirements of the SPD and I consider that a suitable level of parking provision is proposed.
6. The proposed development includes a new access onto Cotton Lane. This part of the highway has a 30mph speed limit and as such the Highway Authority has requested that visibility splays of 2.4m (X) by 43m (y) are provided in each direction, with no encroachment of the required splays onto third party land. The proposed site layout plan submitted with the planning application does show visibility splays but these are not fully annotated with the aforementioned distances. Notwithstanding this, they are clearly well below those required by the Highway Authority and the Council has calculated them as measuring between 17 and 21 metres in each direction.
7. During my site visit I observed that the highway (Cotton Lane) is fairly narrow and rises to the east of the site, such that visibility from the proposed access would be very limited in this direction. There are also minor curves in the road to the west, which would further limit visibility. The appellant has suggested that the fact that cars could access and egress in forward gear is sufficient to overcome the concerns of the Council and Highway Authority in this regard. However, that cars could access and egress in forward gear does not overcome the need for sufficient visibility in order to ensure the safety of highway users.
8. Given the constraints imposed by the aforementioned highway conditions and the lack of compelling evidence (such as a speed survey) to justify reduced visibility splays, the proposed development would result in an unacceptable adverse impact upon highway safety. This could not be overcome through imposition of a planning condition, given that there is no certainty that acceptable visibility splays could be achieved. As such, the proposed development would conflict with Dartford Development Policies Plan<sup>2</sup> (DDPP) Policies DP3, DP4 and DP5. These policies seek in part to ensure that development does not have an adverse impact on highway safety.
9. There would not be a conflict with Core Strategy<sup>3</sup> Policy CS15 which outlines a broad strategy for managing transport demand within the Borough. Neither would there be any conflict with the Parking Standards SPD, for the reasons outlined above.

### *Character and Appearance*

10. The appeal site comprises an area of land adjacent to two single-storey properties. The existing properties are orientated in a linear manner and the layout of the proposed development would reflect this. The two proposed pairs

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<sup>1</sup> Parking Standards Supplementary Planning Document – Adopted July 2012

<sup>2</sup> Dartford Development Policies Plan – Adopted July 2017

<sup>3</sup> Dartford Core Strategy – Adopted September 2011

of semi-detached dwellings would have a two-storey appearance, albeit there would be living accommodation at second floor level and this would be visually apparent from the street scene given the proposed rooflights. Notwithstanding this, the appeal site is located on land which is at a much lower level than that of the neighbouring single-storey dwellings. Indeed, when viewed within the street scene, the four proposed dwellings would appear similar in scale to the single storey properties, such is the difference in levels.

11. The design of the dwellings would be relatively traditional and whilst the roof structure and pitch would differ from the neighbouring bungalows, they would not appear as top-heavy. In addition, variation in the appearance and scale of development on Cotton Lane is not uncommon. As such, there would be no significant harm in this regard.
12. For these reasons the proposed development would not have an adverse impact upon the character and appearance of the appeal site or surrounding area. It would therefore comply with DDPP Policies DP2 and DP8, which both seek to ensure high-quality design which responds to local character.
13. The proposed development would also comply with Framework Paragraph 130 insofar as it requires that new development is sympathetic to local character.

#### *Suitability of the site*

14. The Council asserts that the appeal site is within the 'urban area of Stone'. However, I have not been provided with any compelling evidence to indicate whether this description constitutes any particular spatial policy within the development plan. Based on my observations during my site visit, Cotton Lane is a long narrow road which links various urban conurbations with the wider strategic road network. It includes sporadic residential development which is orientated in a linear manner. The appeal site itself is on a part of Cotton Lane which is visually and functionally separated from the more built-up surrounding areas, albeit there are two dwellings directly adjacent to the site.
15. Core Strategy Policy CS10, in part, sets out relevant considerations in respect of 'Windfall Sites'. It effectively defines planning applications on Windfall Sites as 'Planning applications for sites not identified as deliverable or developable in the SHLAA'. There is no evidence before me to indicate that the site has been identified in the SHLAA and as such it constitutes a windfall site for the purposes of Policy CS10. Policy CS10 lists various criteria for the consideration of Windfall Sites. However, these are quite broad (including considerations such as sustainability and overall cost/benefit assessment) and as such, the Council has adopted a Housing Windfall SPD<sup>4</sup> which aims to provide more clarity on the application of Policy CS10 in this regard.
16. Criterion 4a of Policy CS10 requires a consideration of the 'sustainability of the site for housing development'. The Housing Windfall SPD (Appendix 1) clarifies that this criterion includes consideration of access to services and facilities, access to public transport and a focus on encouraging a modal shift away from car use.
17. The nearest group of services and facilities are located within a small local shopping hub approximately 1.2km south of the appeal site. A public house and train station are also located approximately 700m to the east. There are no

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<sup>4</sup> Housing Windfall SPD (Adopted Edition) October 2014

footways linking the appeal site with these areas. As such, future occupiers would have to walk along long sections of the carriageway in order to access these services and facilities and this would significantly discourage them from accessing these areas on foot.

18. There is a public footpath nearby but this traverses undulating terrain and is not lit. As such, future occupants would be less likely to utilise it. Furthermore, there is no footway linking the appeal site with this footpath. There is also a large site opposite the appeal site which has outline planning permission for a large residential development<sup>5</sup>. However, there is no compelling evidence before me to indicate that the design of the development has been approved under reserved matters or that this development would be linked by footways to the appeal site. Neither is there any compelling evidence before me to indicate that any buses stop within the vicinity of the appeal site.
19. For these reasons future occupiers of the proposed development are highly unlikely to travel on foot or by public transport to access basic day-to-day services and facilities. There would be an over-reliance on the motor vehicle in this regard. This harm would not be sufficiently mitigated through the provision of cycle parking, given that this is only one alternative mode of transport which may not be suitable to all future occupiers. The proposed development would therefore be contrary to the Housing Windfall SPD and criterion 4a of Policy CS10.
20. The SPD also outlines that in considering a site's sustainability under criterion 4a of Policy CS10, preference should be given to previously developed land. The site is currently in use for storage of various items of machinery and during my site visit there were also large containers located on the site. Whilst the site is bordered in part by a brick wall and includes a gated access, there is no compelling evidence before me to confirm whether the site is within the curtilage of the existing dwelling and as such, whether it therefore constitutes previously developed land. Notwithstanding this conclusion, it is not a pre-requisite requirement of Policy CS10 that windfall sites comprise previously developed land, it is simply one consideration with regard to Criteria 4a and 4b.
21. Criterion 4b of Policy CS10 outlines that development on windfall sites should include a consideration of whether the benefits of development outweigh the disbenefits. I have found there to be harm in relation to the poor access of the site to services and facilities and an adverse impact on highway safety. Given the extent of the harm, I attribute it substantial weight.
22. In terms of the benefits of the proposed development, there would be some social and economic benefits associated with the increase in the housing stock, but these would be limited given the small scale of the proposed development. As such, they can only be afforded moderate weight.
23. The appellant has cited various benefits associated with the efficient use of land and optimising the potential of sites, as advocated within the Framework. However, given that there is insufficient evidence before me to establish the lawful use of the site it cannot be considered to be underutilised in this regard. As such, this factor carries neutral weight.

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<sup>5</sup> Council ref: DA/18/01074/OUT

24. Whilst I have found that the design of the proposed development would not be harmful, it would not be so exemplary that it would represent a benefit of the scheme. It therefore carries neutral weight as a consideration.
25. Overall, the moderate benefits would not outweigh the substantial disbenefits, contrary to the requirements of Policy CS10.
26. In summary, the site would not be a suitable location for the proposed development having regard to the Councils strategy for the location of residential development on Windfall Sites. The proposed development would therefore conflict with Core Strategy Policy CS10 and the Housing Windfall SPD.
27. DDPP Policy DP6 is only relevant insofar as it requires adherence to Core Strategy Policy CS10. The proposed development would conflict with it to this extent. DDPP Policy DP8 is not relevant to this main issue.
28. Core Strategy Policy CS1 seeks to direct new development to three priority areas, including Stone. However, the evidence before me does not demonstrate whether the site falls within one of these three priority areas. In any case, this policy does not preclude development outside of these areas and the proposed development would not therefore conflict with it.

### **Other Matters**

29. The appellant has provided various examples of appeal and local authority decisions within the Borough. However, the precise site-specific circumstances of these cases are not before me. Neither is the evidence base upon which these decisions were based. Indeed, every case should be treated on its own merits with regard to the site-specific circumstances that are relevant. As such, these decisions do not alter my findings with regard to the main issues.

### **Conclusion**

30. The proposed development would not harm the character and appearance of the surrounding area and adequate car parking provision is proposed. However, it would result in an adverse impact on highway safety and it would also be contrary to the Council's strategy for the location of new residential windfall development.
31. Therefore, the proposed development would conflict with the development plan taken as a whole. There are no other relevant material considerations raised which would outweigh this harm. As such, the appeal is dismissed.

*Luke Simpson*

INSPECTOR