
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

Appeal Ref: APP/T2215/W/21/3269755

8 Bendigo Wharf, Pier Road, Greenhithe DA9 9NS

- 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 Dean Botten against the decision of Dartford Borough Council.
 - The application Ref DA/20/00931/COU, dated 15 July 2020, was refused by notice dated 24 November 2020.
 - The development proposed is described on the application form as 'Change of use from a Dwelling to a mixed use dwelling and office space'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The use has already commenced and therefore the planning application was submitted retrospectively.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework) and I have had regard to it in considering this appeal.

Main Issues

4. The main issues are:
 - The effect of the development upon the living conditions of the occupiers of neighbouring residential properties, with particular regard to noise, disturbance and privacy.
 - The effect of the development on highway safety, with particular regard to parking provision.
 - Whether the proposed development would preserve or enhance the character and appearance of the Greenhithe Conservation Area.

Reasons

Living Conditions

5. Despite its relative proximity to the High Street, the appeal site sits in an enclave which turns its back on Greenhithe, nestled by a broad reach of the Thames, without through-traffic. There were very few pedestrian or vehicular movements here during my site visit, during which I saw that despite the

presence of occasional non-residential uses, the area was characterised by peace and tranquillity. Bendigo Wharf itself predominantly comprises residential units with a very compact layout. The front elevation and entrance of 8 Bendigo Wharf is located in particularly close proximity to the neighbouring dwelling at Neptune Cottage. The appeal property includes a balcony at first floor level, which directly faces many of the windows of Neptune Cottage.

6. I am told that the office is currently used as an administrative location for a firm supplying consumer goods from warehousing elsewhere, and as such operations conducted there are likely consistent with many other offices. The planning application form indicates that there are 8 full-time employees working at the office space for which permission is sought. The Council asserts that there are more. However, even if there are only 8, this is a significantly greater number of occupants than would be associated with a single residential dwelling (the former use).
7. It is likely that the employees come and go at different times of day, which increases the noise and disturbance associated with the use. This would be further compounded through exterior activities, such as use of the large balcony. The evidence before me also indicates that there are several daily deliveries, which only exacerbates the impact of the development with regard to general noise and disturbance. As such, given the close proximity of the appeal site to the neighbouring residential properties on Bendigo Wharf and the generally quiet character of this tightly knit residential area, the development results in an unacceptable increase in general noise and disturbance to neighbouring occupiers.
8. The use of the balcony by staff would also result in an unacceptable loss of privacy to the neighbouring occupiers of Neptune Cottage. The greater number of occupants associated with the employment use would have a materially more harmful impact than the former residential use in this regard.
9. The appellant asserts that there is no heavy machinery used on site, that the hours of operation could be restricted and that there is no external storage of materials. However, none of these factors would sufficiently mitigate the harmful impacts which the development would cause. Whilst I accept that employment uses can be compatible with residential areas, this depends on the site-specific circumstances. In this case, the site is in a particularly quiet, densely developed and tightly-knit residential area and the appeal property itself is in very close proximity to neighbouring dwellings.
10. For these reasons, the development has an unacceptable adverse impact upon the living conditions of neighbouring residents. As such, the development is contrary to Dartford Development Policies Plan¹ (DDPP) Policy DP5, which seeks in part to ensure that new development does not result in unacceptable material impacts on neighbouring uses.
11. Core Strategy² Policy CS1 and DDPP Policies DP1 and DP2 are not relevant to this main issue, as they expressly refer to living conditions.
12. There would also be a conflict with Framework Paragraph 130, which seeks in part to ensure that development provides a high standard of amenity for existing users.

¹ Dartford Development Policies Plan – Adopted July 2017

² Dartford Core Strategy – Adopted September 2011

13. The Council's reasons for refusal also indicate that the lack of parking provision has an adverse impact upon 'amenity'. However, whilst demand for on-street parking would be increased, it is not clear, from the evidence before me, that it would impinge on the ability of local residents to park, given that there is under-croft parking associated with many of the units in Bendigo Wharf, which is a gated residential area. As such, the lack of parking would not harm the living conditions of neighbouring residents. The implications of parking provision for highway safety are, however, discussed below.

Highway Safety

14. The development does not include any parking provision, other than a single garage which is currently in use for storage purposes.
15. There is some informal parking nearby at the end of Pier Road, which is a cul-de-sac. However, the spaces here are limited and the evidence before me, including observations during my site visit and representations from local residents, indicates that these spaces are often occupied. Pier Road, whilst part of the highway, is a very narrow road with no footways. It is therefore used as a shared surface and provides pedestrian access to Bendigo Wharf. During my site visit I noted that there were several cars parked on Pier Road further exacerbating the narrow width.
16. DDPP Policy DP4 states that car parking provision for new development must be provided in accordance with the Council's Parking Standards SPD³. The SPD requires 1 space for every 20sqm of gross floorspace provided in an office development. The Council considers that the total amount of office floorspace provided is 126sqm (a figure which is not disputed by the appellant). On that basis alone the development falls well short of the SPD standards, setting aside any dedicated parking associated with the residential component.
17. I accept a travel plan could theoretically reduce private vehicular usage to some extent. However, there is no compelling evidence before me to indicate that the site is suitably accessible, or well served by public transport, to make that a preferential alternative (or one which would substantially reduce private vehicular reliance, including deliveries). I also note that there are various public car parks within the surrounding area. However, given the distance of these from the appeal site, there is no certainty that they would be utilised by employees in preference to free on-street parking closer to the appeal site.
18. As a consequence of the increased demand for car parking spaces, the already narrow and constrained nature of Pier Road would be further exacerbated through an increase in the number of vehicles parking on-street. Given the absence of a footway along Pier Road, any additional obstructions are likely to further increase conflicts between pedestrians and motorists and adversely impact upon highway safety, even taking into account the slow speeds at which vehicles would likely be travelling. Indeed, on account of the likely congestion that would arise, in my view, drivers may seek to reverse or to undertake manoeuvres to make progress that they otherwise wouldn't.
19. As such, the development conflicts with DDPP Policies DP3, DP4 and DP5. These policies collectively seek to ensure that new development includes

³ Parking Standards Supplementary Planning Document – Adopted July 2012

adequate parking provision and does not have an adverse impact on highway safety.

Conservation Area

20. The appeal site is located within the Greenhithe Conservation Area (CA). Under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.
21. The CA primarily derives its significance from its historic relationship with the waterfront and the historical architectural interest of key buildings. However, whilst historically the waterside areas may have served a more industrial function, they now accommodate more modern residential development such as that at Bendigo Wharf.
22. The development has not altered the physical appearance of the appeal site. Additional car parking on-street occurs as a result of the development, but this is already a characteristic of much of the CA. For these reasons the development conserves the appearance of the CA.
23. Although the noise and disturbance generated by the development is harmful to living conditions of the immediately surrounding residents, this is due to the very close proximity of these residential properties. In the context of the wider CA, the noise and disturbance would not be so significant as to adversely affect its character. Indeed, whilst parts of the CA do have a quiet character, it also comprises commercial and employment uses.
24. For these reasons, the development preserves the character of the CA, thereby complying with the provisions of Section 16 of the Framework in relation to the effect of development on heritage assets and the expectations of statute in that regard.

Other Matters

25. The development results in some social and economic benefits associated with the provision of an employment use. These benefits can be attributed moderate weight, but they would not outweigh the substantial harm caused by the development in relation to living conditions and highway safety.
26. The appellant refers indirectly to the provisions of Framework Paragraph 11dii. However, there is no compelling evidence before me to indicate that the most important development plan policies are out-of-date.

Conclusion

27. The development preserves the character and appearance of the CA. However, it is harmful to the living conditions of neighbouring residents, and it also results in an adverse impact on highway safety. As such, it conflicts with the development plan taken as a whole. There are no other material considerations raised which outweigh this harm. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR