



Appeal Decision

Site visit made on 9 February 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14TH February 2022

Appeal Ref: APP/T2215/W/21/3283695

2 Hartshaw, Longfield, DA3 7JH

- 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 Mrs L Fry against the decision of Dartford Borough Council.
 - The application Ref DA/21/00153/FUL, dated 28 January 2021, was refused by notice dated 31 March 2021.
 - The development proposed is a 1 bed 2 person bungalow with associated parking and amenity.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on the character and appearance of the area and whether the site is suitable for windfall development.

Reasons

Character and appearance

3. The appeal site comprises the southern end of the garden of 2 Hartshaw. It is located within the New Barn Area of Special Character. The surrounding residential area is attractive with mature trees retained around the houses and also providing a backdrop to some of the views between them.
4. The entrance to Hartshaw has a bosky appearance with large trees opposite the appeal site, a small clump on the corner with Southfleet Avenue and a line along its eastern boundary. The site's openness makes a minor contribution by providing a foil to the sylvan surroundings and allowing an appreciation of the large scale greenery. Within the cul-de-sac bungalows are laid out in a regular pattern and the structural planting is sparse. It therefore has a wholly different character so the proposal should be assessed in its immediate context.
5. In physical terms the modest bungalow proposed would nestle into this wooded setting and its presence would be easily absorbed. However, its proximity to the boundary means that trees and bushes would be likely to be removed in order to accommodate the dwelling. This contention is not disputed by the appellant. The loss of a significant part of the vegetation would substantially erode this green enclave. There is fencing on the other side of Hartshaw. The need for a hard boundary close to the back edge of pavement to ensure privacy would nevertheless be a detractor even if bushes were planted in front of it.

6. Policy DP7 of the Development Policies Plan is concerned with the housing stock in the Borough. It indicates that inappropriate development on residential garden land will be resisted and only permitted where certain criteria are met. In this case existing significant landscape features would not be retained and local character would be eroded.
7. The proposal would reduce the garden of No 2 leaving a residual area that would be less than other outdoor spaces in Hartshaw. However, there is no clear evidence that this would result in a loss of choice and diversity in the size of gardens. Some may favour a small plot to maintain and any development to sub-divide a residential curtilage will decrease the original. Neither area would be sub-standard. They would be commensurate with their location within a residential neighbourhood identified as an Area of Special Character. There would be no conflict with Policy DP8 which is concerned with residential space.
8. Nevertheless the proposed development would not accord with Policy DP7 or with Policy DP2 which seeks to achieve good design in Dartford. The effect on the character and appearance of the area would be harmful.

Windfall development

9. Core Strategy Policy CS10 sets criteria for windfall sites. This requires consideration of the sustainability of the site for housing development and whether the benefits of development outweigh disbenefits. The Core Strategy was adopted in 2011 and its spatial pattern of development seeks to maximise regeneration benefits from large priority areas. This predates the National Planning Policy Framework which indicates that local planning authorities should support the development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements for homes.
10. However, there is no indication that the Council's approach to housing provision should no longer hold sway. Indeed, both this, and the assessment of windfall sites, are reinforced by Policy DP6 of the Development Policies Plan of 2017. The intention to still to concentrate any windfall development on brownfield land and, only exceptionally, on greenfield land. The Framework encourages the use of previously developed land. The local strategy is to avoid windfalls undermining the focus on major development sites. Despite the passage of time there is nothing to show that these policies are out-of-date.
11. In line with Policy CS10 a broad assessment of the suitability of the site for windfall development therefore needs to be carried out, together with any benefits that the proposal would bring about.
12. The bungalow is to provide accommodation for the appellant who wishes to downsize whilst remaining in the community she is familiar with. The proposal would be closer to the countryside and potentially more suited to the elderly than the large urban developments under construction. An additional unit would be added to the supply of housing. The benefit of providing somewhere to live is not watered down by the strong housing land supply position although one dwelling would not make much overall difference. The Council casts doubt on the alleged fly tipping but greater weight should be given to the appellant's first-hand experience of the difficulties in maintaining the land.
13. In terms of disbenefits the proposal would have an adverse impact on the character and appearance of the area. Furthermore, access to services and

facilities is limited as there are none in the New Barn area. According to the Council the nearest shops are 2.5km away. The bus services are infrequent and Longfield station is around 2.7km from the site. The clear thrust of national policy is to promote sustainable transport rather than to replicate existing patterns of development. Overall it cannot be said it would be easy, and therefore likely, for journeys to be made without recourse to the car. This is a significant factor that counts against the proposal.

14. The northerly outlook from the kitchen towards the boundary enclosure and existing shed would not be ideal. Though there is nothing to demonstrate that internal lighting levels would be inadequate. The parking shown to the side would be quite restricted but there would be ample space within the front forecourt for a wheelchair user. The property at Chalk Wood has an extensive garden area and although the proposal would be adjacent to it, the effect on the living conditions there would be negligible. None of these considerations are significant disadvantages.
15. However, the benefits of providing a small home suitable for a particular group within the community do not override the disbenefits of the likely reliance on the car and the harm to the character and appearance of the area that would occur. As such, the site is not suitable for windfall development. The proposal would not accord with Policy CS10 and, in turn, would be at odds with Policy DP6 as well as DP7.

Other Matters

16. No objections have been raised by local residents but equally there is no evidence of their support. Whilst any representations would be taken into account in this decision, the main task is to assess the proposal against the policies of the development plan and other material considerations.
17. It is likely that future occupiers of the bungalow would either be elderly or disabled or both. These are relevant protected characteristics as defined by section 149(1) of the Equality Act 2010 and so the public sector equality duty is applicable. There is therefore a need to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations.
18. This decision would deny people in these categories the opportunity of occupying a dwelling that is suitable for their needs. These are different to those without a relevant protected characteristic. However, there is no indication that this type of accommodation is unavailable elsewhere. This consideration has nevertheless been taken into account during the decision-making process. However, significant objections have been identified and therefore the outcome is proportionate.

Conclusion

19. The proposal would not accord with the development plan and there are no other material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR