



Appeal Decision

Site visit made on 31 March 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/T2215/D/21/3279635

91 Birchwood Road, Wilmington, Kent DA2 7HQ

- 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 Ali Sadrettin against the decision of Dartford Borough Council.
 - The application Ref DA/20/01359/FUL, dated 4 November 2020, was refused by notice dated 8 July 2021.
 - The development proposed is described in the appeal form as: Raising height of roof for erection of a part one/part two storey front and rear extension and provision of roof lights in front and rear elevations in connection with providing additional rooms in the roof space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of the development proposed for the banner heading above from the appeal form, as this is a more comprehensive description than that provided in the application form.

Main Issues

3. The main issues are the effect of the proposed development on: the living conditions of neighbouring residents, with particular regard to light, outlook, and privacy; and the character and appearance of the area.

Reasons

Living Conditions

4. The appeal building is a detached house within a long plot, with a gap providing access to the rear garden running along its northern boundary. The neighbouring property to the north, 89 Birchwood Road, is positioned close to that shared boundary, with a conservatory and long garden to its rear. The conservatory and part of the rear garden closest to the house at 89 Birchwood Road would make an important contribution to the quality of the living space at that property.
5. The appeal dwelling already projects slightly beyond the rear elevation of 89 Birchwood Road. The proposed development would raise the ridge of the appeal dwelling's roof and extend the building at ground and first floor levels to the front and rear. The proposed rear extension and enlarged roof space would substantially increase the extent to which the appeal building would project beyond the rear elevation of 89 Birchwood Road.

6. Even with the retained gap between the appeal building and the northern boundary, the proposal would reduce outlook from the rear elevation of 89 Birchwood Road, including from within its conservatory and part of its garden nearest to the house. The positioning and orientation of the proposed first floor rear and roof extensions in relation to 89 Birchwood Road would also be likely to create an unacceptable loss of light to those parts of 89 Birchwood Road during afternoon hours. The loss of light and outlook would be significant enough to cause material harm to the living conditions of the residents of 89 Birchwood Road, notwithstanding the large rear garden serving that property.
7. The neighbouring dwelling to the south of the appeal site, 93 Birchwood Road, is set back beyond the rear elevation of the appeal dwelling, some distance from the highway. Shared views over a distance of 22m exist between the existing rear elevation windows of the appeal building and the front elevation windows of 93 Birchwood Road. At this distance, the front elevation windows of 93 Birchwood Road which cannot be seen into from the highway, enjoy a reasonable degree of privacy.
8. The Juliet balconies which would serve the proposed first floor rear extension would be positioned closer to 93 Birchwood Road than the existing upper floor windows, and the proposed roof lights would offer new opportunities for overlooking. Those views would not be direct, but the distance and angle of those views from the Juliet balcony closest to the southern boundary would be such that there would be opportunities for unacceptable levels of overlooking of the front elevation windows of 93 Birchwood Road. This would not be prevented by boundary planting.
9. The proposed rear facing Juliet balcony closest to the southern boundary would therefore overlook 93 Birchwood Road to a greater extent than the existing first floor rear elevation windows, which would have a materially harmful effect on the living conditions of residents of that property. The level of overlooking from the proposed Juliet balcony could not be made acceptable through the installation of an obscure glazed and fixed shut pane to one half of that window, as suggested. It would be inappropriate to require the whole of that Juliet balcony to be obscure glazed and fixed shut on account of it being the only window serving a bedroom.
10. The proposal would therefore harm the living conditions of residents of 89 Birchwood Road by reducing the outlook and light experienced from within that property to unacceptable degrees, and it would also harm the living conditions of the residents of 93 Birchwood Road by increasing overlooking into that property by an unacceptable extent. This would conflict with Policies DP5 and DP7 of the Dartford Development Policies Plan (2017) (DDPP). These require, amongst other things, development to avoid having unacceptable material impacts upon neighbouring uses, including by way of overshadowing and overlooking, and to maintain the amenity of residential areas.

Character and Appearance

11. The surrounding area is characterised by large, detached houses within long, spacious plots. There is little consistency in the design of houses, and in this context, the appeal dwelling's gambrel roof design with front and rear dormers is typical of its mixed surroundings. Buildings on the southern side of this part of Birchwood Road, including the appeal dwelling, are arranged in staggered

positions following the curve in the road. As such, the entire southern side elevation of the appeal dwelling is visible in views along Birchwood Road.

12. The large increase in the appeal building's size, height and bulk would be clear in views from the street. It would not appear incongruous or excessive on account of other large, detached dwellings in a variety of styles within the appeal site's immediate surroundings.
13. The proposed front elevation would be similar in design to neighbouring houses I saw along this part of Birchwood Road, and its small extension forward of the existing front elevation would remain set back in the plot, behind a driveway. It would not, therefore, appear dominant or prominent in the street scene and would respect the prevailing character and appearance of the area.
14. The proposal would accord with Policies DP2 and DP7 of the DDPP in this regard, which require, amongst other things, development to comprise good design which responds to and retains local character, with consideration given to how the height, mass, form, scale, detailing and roof form of proposals relate to neighbouring buildings and the wider locality.

Other Matters

15. I have been referred to other extensions made to other dwellings locally, but they do not justify the harm which the proposed development would cause to the living conditions of neighbouring residents, as outlined above.

Conclusion

16. The proposal would not harm the character and appearance of the area, but it would harm the living conditions of neighbouring residents and would conflict with the development plan taken as a whole. There are no material considerations that indicate my decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR