



Appeal Decision

Site visit made on 10 June 2022

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/T2215/D/22/3290578

57 Birchwood Road, Wilmington, Kent DA2 7HF

- 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 M Zemaitis against the decision of Dartford Borough Council.
 - The application Ref DA/21/00124/FUL, dated 26 January 2021, was refused by notice dated 14 December 2021.
 - The development proposed is described on the application form as “existing bungalow conversion into two storey family house”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposals on: (i) the character and appearance of the host property and the surrounding area, and (ii) the living conditions of the occupiers of 55 and 59 Birchwood Road, with particular regard to privacy.

Reasons

Character and Appearance

3. The appeal property is a detached bungalow. It forms part of a group of detached and semi-detached bungalows of similar scale, age and appearance, with predominately hipped roofs, some of which incorporate dormers. Many of these properties have been extended to the rear, including the appeal property which has an extension and a conservatory. The group of bungalows make a positive contribution to this portion of Birchwood Road. There are large houses on the opposite side of the road, which are set back from the street, and Birchwood Road as a whole features a wide range of housing types and sizes.
4. The proposal would comprise the demolition of a large proportion of the existing fabric of the property and the erection of substantial additions to the rear and at roof level to create a large family dwelling with a basement. This dwelling would have a substantial roof form, much of which would be flat. The front elevation would be re-modelled at ground floor level and incorporate a pair of gables either side of a box dormer at first floor level. The rear elevation would incorporate a large expanse of double-storey glazing. Little of the original dwelling would be retained: in effect the proposal would result in the creation of a new 2-storey house similar in scale and appearance to some of those on the opposite side of the road and further afield in the street.

5. Whilst the scale, height, bulk and design of the proposal may be appropriate in some parts of the road where there is an established group of 2-storey houses, in the context of the group of modest bungalows, the proposal would be an overly dominant and incongruous form of development.
6. For these reasons I conclude that the proposal would have an unacceptable effect on the character and appearance of the surrounding area. It therefore fails to comply with Policies DP2 and DP7 of the Dartford Development Policies Plan (2017) (DDPP) which, amongst other matters, require development to comprise good design which responds to and retains local character, with consideration given to how the height, mass, scale and siting of proposals relate to neighbouring buildings and the wider locality.

Living Conditions

7. The proposal would not extend beyond the rear building line of 55 Birchwood Road and would only extend slightly beyond that of No.59 on the other side. As such there would be little or no impact on natural light to, or outlook from, neighbours' rear facing rooms. By virtue of the orientation of the properties, rear gardens would retain good access to sunlight. I note there are windows in the flank elevation of No. 55. The evidence before me indicates that these are either secondary windows or provide light to circulation space. I am therefore satisfied that any reduction in light to these windows would not result in unacceptable harm to the occupiers of No.55.
8. The proposal would include a first floor level bedroom with a window in the flank elevation facing No. 55 that would allow views towards at least one of the rooflights serving a bedroom in No. 55. The application drawings do not show the precise relationship between the opposing bedroom windows. In the absence of clear evidence to the contrary I conclude that there is potential for unacceptable loss of privacy in this respect.
9. Whilst I note that 2-storey housing inevitably results in some levels of overlooking of neighbouring gardens, the appeal proposal would comprise a large expanse of double-storey glazing in the rear elevation, and internal ground floor level would be significantly above the garden level, that falls away to the rear. As a result the proposed rear elevation would be an imposing element that would allow extensive views of the neighbouring gardens from the upper floor rear bedroom suite. This would result in a significant sense of being overlooked for users of the neighbouring gardens.
10. Due to its layout and design the proposal would result in potential loss of privacy within No. 55 and an undue sense of overlooking within the rear gardens of Nos 55 and 59. This would result in an unacceptable effect on the living conditions of the occupiers of the neighbouring properties. The proposal is therefore contrary to DDPP Policy DP7. Amongst other things, this requires development to avoid unacceptable material impacts upon neighbouring uses, including by way of overlooking, to maintain the amenity of residential areas.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole INSPECTOR