



Appeal Decision

Site visit made on 26 July 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Appeal Ref: APP/T2215/W/22/3291520

18 Fernheath Way, Wilmington, Dartford DA2 7PF

- 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 Ms Rebecca Reed against the decision of Dartford Borough Council.
 - The application Ref DA/21/00968/FUL, dated 26 June 2021, was refused by notice dated 10 January 2022.
 - The development proposed is described as a 'two bedroom dwelling within the garden'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Properties within the vicinity of the appeal site comprise a mix of one and two storey, detached and semi-detached dwellings. However, a combination of gaps between buildings, a generally consistent palette of external materials and properties being set back from the road but on a broadly consistent alignment within the street scene, provide the area with a degree of homogeny and space.
4. The proposed dwelling would be positioned to the side of the existing house. However, partly due to the irregular shape of the appeal site, which tapers towards the front, the dwelling would be set well back and on an alignment with the site's south-eastern boundary. This would create an awkward visual and spatial relationship between the host dwelling and proposed dwelling, with the new building appearing squeezed in and out of keeping with the prevailing street scene.
5. The set-back position of the dwelling would also be informed by the requirement to provide on-site vehicle parking. The limited frontage available to both dwellings would be given over to parking, with the space for the host dwelling being somewhat contrived and causing any car to be parked directly across the front of the house. This layout will accentuate the awkward relationship between the two properties.
6. Furthermore, the restricted frontage that is available would result in an under provision of on-site parking for the two dwellings overall. There would also be

the loss of some existing on street parking provision where a new dropped kerb is required to access the new parking for No.18 Fernheath Way. Thus, not only will the parking layout harm the character and appearance of the area, but this is likely to be heightened by the increased demand for on-street parking.

7. That neighbouring occupiers may choose not to use their driveways/garages and park on the street instead, does not diminish the harm caused by the proposal which is before me or justify an under provision of parking in this case.
8. Due to the proposed position of the new dwelling, much of its rear garden would be beneath the canopy of a protected tree. For large parts of the day, the garden would be in shadow. There would also be some effect on the outlook and light received to the rear of the dwelling. I acknowledge that it may be possible to construct the dwelling without harming the tree. However, it seems to me that the poor environment that would be created by having the dwelling in relatively close proximity to the tree and its canopy, would be likely to lead to significant pressure from future occupiers for its removal. Were this to occur, the character and appearance of the area would be harmed.
9. The existing garden to No.18 is larger than its immediate neighbours in Fernheath Way. This would ensure the garden retained by the existing dwelling would be commensurate in size with existing neighbouring properties in Fernheath Way. However, the existing garden is not so large that it would appear to be the type of property to which the supporting text to Policy DP7 of the Dartford Development Policies Plan 2017 (DDPP) is aimed. Therefore, to my mind, were other aspects of the scheme acceptable, the proposal would not harmfully diminish the diversity or stock of housing with larger gardens in the area.
10. Indeed, the fact that the plot of No.18 is not so large can be seen as a contributory factor in the harm I have identified with other aspects of the proposal. Therefore, given the spatial relationship between the existing and proposed dwelling, the parking arrangements and the harm caused by the protected tree and the likely pressure for its subsequent removal, I conclude that the proposal would represent an unacceptable, cramped form of development that would harm the character and appearance of the area.
11. The proposal is therefore contrary to Policies CS1 and CS10 of the Dartford Core Strategy (2011) and Policies DP2, DP6, DP7 and DP8 of the DDPP. These policies, amongst other things, seek to ensure that new housing is directed to appropriate locations and that any new development protects the character of an area, with any adverse effects being suitably mitigated.
12. I have not been provided with a copy of the Council's Housing Windfall Supplementary Planning Document (2014). However, as this document must accord with the development plan and I have found the proposal contrary to the development plan, it does not alter my conclusion.

Other Matters

13. I note that the Appeal Statement suggests that the property is for the appellant's son, albeit the planning application suggested otherwise. Regardless of this, Planning Practice Guidance¹ advises that planning permission usually

¹ Paragraph: 015 Reference ID: 21a-015-20140306

runs with the land, and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission but there are not sufficient grounds in this case to justify such an approach.

14. The benefits of the dwelling are said to include meeting the Nationally Described Space Standards, not causing harm to neighbours and the use of appropriate external materials. However, such matters would be a requirement of any development and are therefore to be expected. Furthermore, they would not diminish the harm I have identified. Accordingly, they are neutral factors in my decision.
15. The appellant indicates that the construction process for the dwelling would be low-key. I acknowledge that hours of construction could be controlled by conditions. However, this would not overcome the other harms caused by the proposal and so would not be a reason to allow the appeal.

Planning Balance & Conclusion

16. The appeal site would provide an additional one-bedroom dwelling with reasonable access to services and would also accord with the Framework's support for windfall sites. However, the site would make only a small contribution towards housing supply, which the Council indicates is in excess of 5 years. There would be associated social and economic benefits although some of these would be limited by virtue of time and the scale of the proposal. Overall, and for these reasons, I would attach only a limited amount of weight to them.
17. For the reasons given, I have found that the proposal would harm the character and appearance of the area. The harm I have found would be long lasting and worthy of significant weight. This would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
18. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR