



Appeal Decision

Site visit made on 7 September 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 24TH October 2022

Appeal Ref: APP/T2215/D/22/3291035

Cleveland, 29 Longfield Avenue, Longfield DA3 7LE

- 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 and Mrs Cheema against the decision of Dartford Borough Council.
 - The application Ref DA/21/01425/FUL, dated 8 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is described as an infill extension to front elevation and first floor extension, new boundary wall with vehicular and pedestrian gates, proposed outbuilding and proposed 2.4m high fence to western boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that the application form description includes the construction of an outbuilding, which is not objected to by the Council or appears within any of the reasons for refusal. As such, this appeal decision will only focus upon the elements in conflict, being the extensions to the main dwelling and the erection of boundary fences.

Main Issues

3. The main issue is the effect of the proposed development upon:
 - The existing building and the character and appearance of the locality; and
 - The living conditions of No. 27 and No.31 Longfield Avenue, with particular regard to access to light and visual appearance.

Reasons

Character and appearance

4. The appeal site is located along Longfield Avenue, a residential street which lies to the periphery of the settlement known as Longfield and New Barn. The locality is designated as an Area of Special Character (ASC) where Longfield Avenue appears to have been constructed in phases with some dwellings dating from the early twentieth century, whilst the majority of dwellings appears to have been constructed in the mid-late twentieth century. Building plots along Longfield Avenue are large with characteristic gaps in and around dwellings which emphasise a spaciousness and elevated status. The dwellings each have large setbacks with vegetated front gardens and large rear gardens, the tops of trees of rear gardens which can be seen as one travels up Longfield Avenue

and along Public Rights of Way (PRoW). Whilst there is evidence of low brick boundary walls, the characteristic boundary treatment along Longfield Avenue is of hedgerows and mature vegetation which reinforce a tranquil area with low traffic and a leafy and spacious character.

5. The dwellings along Longfield Avenue are detached and generally range in height from single to one and a half storeys, with some examples of two storey dwellings, many of which appear to be later infill developments. The design of dwellings tends to be quite functional in appearance with main characteristics being hipped and gabled roof forms, constructed of brick and having a general low scale and spacious appearance with setbacks from boundaries. These details create positive elements which reflect the qualities of character, appearance and local distinctiveness for this particular location. Whilst there is evidence of extensions and alterations seen throughout the locality, they are generally subservient to the main dwelling and retain the original positive characteristics which contribute to local character and distinctiveness.
6. The appeal site appears to be one of the original characteristic detached chalet-type bungalows constructed as part of the mid-late twentieth century development phases where a number of bungalows were constructed. The plot is narrower than some of the plots surrounding and maintains a PRoW along the western boundary that leads to the open countryside beyond. The dwelling has a functional design with main hipped roof and catslide-type roof to the rear. Along the front boundary is a large hedge, whilst the side boundary with the PRoW also maintains a mix of mature vegetation, hedging and fencing that reinforces the leafy experience of the semi-rural local character. The appeal building does contribute towards positive characteristics reinforcing the original design elements of a largely homogenous group of low scale buildings along Longfield Avenue.
7. In undertaking extensions and alterations to existing buildings, the Dartford Borough Council Development Policies Plan (DDPP) Policies DP2 and DP7 seeks to ensure that redevelopment responds to and reinforces and enhances the positive aspects of the locality, such as well treed areas, and reflects the historic pattern and form of development, facilitating a sense of place and delivering a high quality design by respecting local context and distinctive local character, amongst others.
8. With regard to the proposed first floor and roof extension, the appellant's Statement of Case (SoC) mentions that the design of the dwelling has been influenced by No.30 Longfield Avenue which is located on the opposite side of Longfield Avenue to the appeal site. No.30 appears to have been constructed in the mid 20th Century and contains a wide plot of land with a two storey quasi-Georgian style dwelling with a hipped roof with small forward projecting two storey hipped bays. Whilst No.30 is not a typical characteristic construction in the area, the massing of the dwelling is somewhat countered by the width and setback of the property which does assist in assisting with positioning of the dwelling within the plot. Albeit the dwelling is still rather large and does not reinforce the positive low quality aspects of developments in this locality. Some of the differences with the appeal site is that the appeal site is not as wide as No.30; and the roof form is quite different in that the proposed roof instead of being hipped to the apex, the proposal instead has a large flat component to the roof which elongates the apex and gives a more crown roof type of appearance.

9. Given the increased height of the proposal, the setbacks to the side are maintained, rather than increased, which increases the perception of visual mass and bulk of the scheme. I appreciate attempts such as proposing a hipped roof to reduce the visual bulk, however this is unsuccessful. The proposal with its increased massing, scale and elongated roof form would not embrace the positive characteristics of the locality and would appear quite cramped within the plot. Whilst the elevation plan show that it would not be a great overall increase of height compared to the apex of the existing dwelling, the proposed roof extension would lift the height of the apex of the roof which would change the proportions of the roof and result in an awkward and elongated and bulky appearance that would be disproportionate and affect the architectural integrity and authenticity of this functional building.
10. I also note comments in the appellant's SoC relating to a nearby development which sought the demolition of the existing bungalow with a replacement two storey dwelling¹. Given that this application is for an extension, rather than a replacement building, which appears to be on a larger plot and a design that is not as bulky in its massing and design, particularly in the side elevation. I am therefore not convinced that the circumstances behind or the approval of this scheme is 'extremely similar' and would provide justification for the appropriateness of the appeal scheme.
11. Turning to the proposed replacement boundary treatment, DDPP Policy DP2 and DP7 seeks a number of criteria regarding good design be applied such as facilitating a sense of place, integrating development with the public realm, active frontages and a fine grain mix of buildings and spaces, amongst others.
12. The proposed front wall would be 1.5 metres tall and consist of brick piers, and infills constructed of brick with metal railings above with the plans showing a solid pedestrian gate and vehicular entrance. The proposed front wall would have a very solid and defensive appearance, and would be incongruous to the inherent character which consists of a much softer, leafier, open and spacious appearance. Whilst it would appear that design cues are again taken from No.30 opposite, this type of construction is not part of the inherent positive characteristics of this locality.
13. Similar considerations are had with regards to the side fence along the public footpath which seeks to raise the height of this fence to 2.4 metres, whilst removing the vegetated components for a close boarded fence. Whilst there does not appear to be any justification for the increasing of the height of the fence the reasoning for replacement is given as needing to replace broken components of the fence as well as removing the hedging because it is utilised by persons seeking to dispose of dog waste bags. Whilst I saw no evidence of hanging dog waste bags on the hedge on my site visit, there may be other ways to address the problem that is occurring. Whilst I have empathy for this situation, it does not provide adequate justification for the replacement boundary scheme, particularly the raising of the height of the side boundary. Given that the footpath is narrow, I also agree with concerns raised by the PRow Officer where the increased height would create a more closed experience of the path which would not reflect the semi-rural character as well as the passive surveillance aspects which is an essential component of good design as per Policy DP2 and DP7.

¹ No.

14. Taken as a whole, and in conclusion of this matter, in this particular circumstance, the proposed roof extensions and proposed boundary treatments would be incongruous in this location as a result of design, massing and visual bulk, and not reflective of the positive characteristics of local distinctiveness and appearance of the area. The development would cause an incongruous element within the street scene which would cause detriment to the functional architectural authenticity of the existing dwelling and of the street scene and the character of the public walkway. Consequently, the proposal would be contrary to the DDPP Policy DP2 and DP7 as described previously.

Living conditions

15. DDPP Policy DP5 seeks that new development not result in unacceptable material impacts to living conditions in areas such as overshadowing and visual impact. No.27 lies to the west of the appeal site and contains a single storey detached building with accommodation within its roof and a ground floor bedroom window along the side elevation. The adjacent building is according to the Planning Officers Report setback approximately 8 metres from the side wall of the appeal site and also has a public walkway in between which is aligned by boundary fences/ hedging. The increased height and massing caused by the proposal would cause an increase in shadow and loss of light, which given the positioning of the sun, would largely be limited to the morning, with the shadow having moved from No.27 by the afternoon. Whilst I have not been presented with any calculations of Vertical Sky Component reduction, or no sky line projections as would typically be found in a daylight/sunlight report, to me there appears to be an adequate separation distance between the properties. Whilst I agree that there would be some loss of light and an increased presence of the built form experienced from the ground floor window of No.27, I do not agree it would be to the extent where there would be unacceptable material impacts as suggested by DDPP Policies, DP2, DP5 and DP7.
16. Turning to No.31, this property is a bungalow with accommodation within its roof space. To the ground floor there are two windows in the side façade facing the appeal site which provide light to a dining room and a kitchen. There is also a separation distance of approximately 7 metres between No.31 and the appeal building. In this particular case, the increase height and massing of the proposed development would result in an increase of overshadowing, particularly in the afternoon and an increased perception and sense of enclosure. Additionally the increased visual bulk and massing would be noticeable, however taken as a whole, given the separation distances, I am not convinced that the change in living conditions would be to an extent where it would cause unacceptable material impacts.
17. Taking the above into account, in both circumstances, whilst there is an increased level of sense of enclosure and increased overshadowing caused, I do not agree that it would be to a level where the development would cause unacceptable material impacts. The proposal would therefore be compliant with DDPP Policies, DP2, DP5 and DP7 as described previously.

Other Matters

18. I note comments made from interested parties with regards to loss of views; noise and disturbance from the proposed games room; removal of a TPO tree, overlooking and loss of light to the neighbour to the rear; and overlooking towards side Velux window. The loss of view is not a planning matter, and

given the refusal of the appeal on the grounds of character and appearance, it has not been necessary to explore the additional matters raised.

Conclusion

19. Whilst I have agreed with the appellant with regards to the reason for refusal regarding living conditions, this is not sufficient to outweigh the harm caused to the character and appearance of the host building and the locality. For the reasons given above, I conclude that the appeal is dismissed.

J Somers

INSPECTOR