



Appeal Decision

Site visit made on 6 January 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/T2215/D/22/3309234

9 Acacia Road, Dartford DA1 2RU

- 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 Joe Price-Tume against the decision of Dartford Borough Council.
 - The application Ref 22/00564/FUL, dated 11 May 2022, was refused by notice dated 24 August 2022.
 - The development proposed is the erection of a part single/part two storey rear extension & single storey side extension
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 7 Acacia Road, with particular regard to outlook.

Reasons

3. The appeal property is a 2-storey end of terrace house. It is situated in a residential estate mainly comprising short terraces laid out in a relatively formal arrangement. The side boundary of the appeal property also forms the rear garden boundary of 1, 3, 5 and 7 Acacia Road, which comprise a terrace of houses laid out almost at right-angles to the terrace of which the appeal property forms part. As a consequence of this arrangement, the flank elevation of the appeal property is a prominent feature in views from rear windows in No. 7 and from the shallow area of garden to the rear of this property.
4. The appeal proposal would comprise extensions to the side and rear including a 2-storey element. This would significantly increase the depth of the flank elevation close to the boundary with No. 7, thus further reducing outlook from the rear of this property. I note that No. 7 benefits from a substantial area of garden to the side that would be unaffected by the proposal and the evidence before me indicates that the rear garden forms a secondary amenity area for the occupiers of No. 7. I am therefore satisfied that the proposal would not have an unacceptably overbearing effect on outdoor amenity space. However, due to its size, height and siting close to No. 7, the 2-storey element of the proposal would represent an overbearing form of development in respect of outlook from windows within the rear elevation of No. 7.

5. Planning permission was granted on 17 October 2022 (ref. 22/01022/FUL) for a scheme that is similar to the appeal proposal but with a shallower second floor element extending 3m, as opposed to 3.5m, beyond the rear wall of the appeal property. This scale of development is compatible with that achievable under permitted development rights. I recognise that there is a high likelihood that the recently permitted scheme would be built if this appeal is dismissed and therefore it represents a fall-back scenario to which I attribute significant weight.
6. However, the appeal proposal and fall-back scheme are materially different in terms of their rear projection and therefore in terms of their impacts on outlook from No. 7. The appeal proposal would have a materially more deleterious effect in this respect.
7. For this reason I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of No. 7. It therefore fails to accord with Policies DP2 and DP7 of the Dartford Development Policies Plan (2017) which, amongst other matters, seek to ensure that residential extensions do not materially harm existing residential amenity and relate appropriately to neighbouring buildings in respect of their height, mass, form, orientation and siting.
8. The appellant has referred to a planning permission for a rear extension to 11 Acacia Road. As each planning application and appeal must be considered on its individual merits, including in respect of its particular relationships to surrounding buildings, I attribute limited weight to this.

Conclusion

9. For the reasons set out above, and having regard to all other matters raised including the fall-back scenarios referred to by the appellant, I conclude that the appeal should fail.

S Poole

INSPECTOR