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## Appeal Decision

Site visit made on 15 March 2023

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> March 2023**

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**Appeal Ref: APP/T2215/D/22/3312566**

**5 St Marys Road, Greenhithe, DA9 9AS**

- 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 James Agyepong against the decision of Dartford Borough Council.
  - The application Ref DA/22/00678/FUL, dated 9 June 2022, was refused by notice dated 29 September 2022.
  - The development proposed is the erection of a detached shed (retrospective application).
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are: i) the effect of the building on the character and appearance of the host dwelling and the surrounding area; and ii) the effect of the proposed building on neighbours in terms of overshadowing and being overbearing.

### Reasons

3. The appeal property is a 2-storey mid-terrace house. Like its neighbours, it has a narrow frontage and a 'nib' extension into the rear garden. The rear garden is approximately 3.5m wide, whilst the length from the rear wall of the extension to the rear boundary is approximately 7.5m. Most of this rear garden area, including that on which the shed stands, has been raised by some 0.21m. The shed measures, as annotated on the plans, 4.96m long by 2.26m wide and 2.39m high at the top of the shallow fall of the roof. The shed is constructed of plywood panels, painted in a red-brown colour, with a roof of dark corrugated sheets.
4. The first reason for refusal refers to the effect of the building in the rear garden on the character and appearance of the host dwelling and the surrounding area. To my eye it is a poorly designed construct that robs the garden of most of its amenity. Nevertheless, clearly the appellant finds it of utility and is satisfied with its appearance. Since it is not of substantial construction, it could relatively easily be disassembled by any subsequent occupier who had an opinion similar to mine.

5. As for the surrounding area, the shed is of a size and nature that it is clearly visible from a number of the neighbouring rear gardens, and in view of its materials, colour and mass, is harmful to the character and appearance of the neighbouring area. This is all the more important bearing in mind the minimal amount of rear amenity space that the neighbouring dwellings have.
6. Following from this, the effect of the proposed building on the immediate neighbours in terms of a degree of overshadowing and being overbearing, is accentuated by the small amount of private rear garden available to them. In light of the raised ground levels to the appeal site, the scale of the shed, which projects well above the side boundary fencing, the shed has a dominating effect that is unneighbourly, such that it ought not be permitted.
7. In coming to my conclusions I have had regard to the planning policy for the area, the guidance in the National Planning Policy Framework (the Framework) and the other examples of outbuilding that have been permitted elsewhere. I have no information about the precise nature of these other examples or their surroundings, and in any event, each development must be considered on its own merits. In respect of the planning policies and the Framework guidance, these in particular emphasise good design, but the nature of this development is that the decision stands simply on the basis of what has been constructed and its effects on the surroundings.
8. For the reasons that I have given, the appeal will be dismissed.

*Terrence Kemmann-Lane*

INSPECTOR