



Appeal Decision

Site visit made on 10 July 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/T2215/Z/22/3313506

252 Lowfield Street, Dartford, Kent DA1 1LH

- 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 B Jhas against the decision of Dartford Borough Council.
 - The application Ref DA/22/00302/FUL, dated 14 March 2022, was refused by notice dated 16 September 2022.
 - The development proposed is stated on the application form as “retention of existing shutter to rear and security shutters to shopfront windows”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has already been carried out and planning permission is sought for a roller shutter door and housing to the enlarged opening in Norman Road and security shutters to the shop front. I have therefore determined the appeal on this basis and on the submitted drawings.
3. The refusal reasons refer to the emerging Dartford Local Plan to 2037 Pre-Submission (Publication) Document, dated February 2021, (the emerging DLP), which was submitted for examination on 13 December 2021, in particular to Policies M1, M2, M16 and M17. The examination of the emerging DLP has not yet concluded. The Council has confirmed that Policy M16 has consistently lacked unresolved objections. However, it is unclear whether there are unresolved objections to the other policies referred to above and I cannot be certain that those policies will be adopted in the form submitted in evidence. As such, I afford them limited weight in determining this appeal.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the safety and convenience of users of the highway, and,
 - the living conditions of the occupiers of nearby properties.

Reasons

Character and appearance

5. The appeal property is situated on the corner of Lowfield Street and Norman Road, and at the end of a long residential terrace. It is in use as a retail unit with shop frontages to the front and side elevations at ground floor level. At

the rear of the building is a flat roofed storage area with roller shutter door that fronts on to Norman Road.

6. Situated on the front and side elevations of the shop and in a prominent corner plot location, the solid security shutters and their housings are highly visible and unattractively obtrusive. Although finished in a white colour, they dominate and obscure the front of the shop when in use, resulting in a defensive appearance to the building. Seen for some distance along Lowfield Road and from Norman Road, the security shutters have a jarring appearance in the context of the long rows of traditional terraced residential houses.
7. The roller shutter door to the flat roofed storage area at the rear of the building is considerably wider than the door it replaced. Unlike the previous roller shutter door, which the evidence shows was recessed into the door opening, the roller shutter door that has been installed is set on the external face of the wall. In this prominent position, the wide shutter door with its projecting external box-like housing above the door opening and external guide rails is highly visible. It contrasts markedly with the walls of the building and has an industrial aesthetic that is jarring and obtrusive in the context of the residential character of the area, with mostly terraced houses fronting the road.
8. For these reasons, the security shutters to the shop front and the roller shutter door, do not respond positively to the host property, and they detract from the character and appearance of this predominantly residential area of the town.
9. I have taken into consideration the existing shutters to retail units in the parade of commercial units, including shops, which are located to the south and close to the junction with Walnut Tree Avenue. I note the shutters at the appeal premises are a light white colour matching the shop window frames. However, the shutters to those commercial properties are not visually related to the appeal property, which is situated in a predominantly residential area. Furthermore, I have no information on the circumstances that led to those shutters being installed. As such, they are not therefore directly comparable to this appeal case. In any event, each case must be considered on its own merits. The existence of those other shutters does not justify the harm I have identified to the character and appearance of the area in this case.
10. I have not been provided with any substantive evidence that the appeal property, which has been in use as a shop for a considerable period of time, has been affected by a persistent problem of crime and vandalism. Therefore, such concerns do not outweigh the harm I have identified above.
11. I therefore conclude that the development has a harmful effect on the character and appearance of the host property and surrounding area. It therefore conflicts with Policy DP2 of the Dartford Local Plan Document – Dartford Development Policies Plan (Adopted July 2017) (the DDPP), insofar as it seeks development of good design that reinforces and enhances positive aspects of the locality.
12. The appeal development also conflicts with Paragraph 130 of the National Planning Policy Framework (2021) (Framework), which states that planning decisions should ensure that developments are visually attractive and sympathetic to local character, including the surrounding built environment, amongst other objectives.

Highway safety

13. Norman Road is a relatively narrow road that provides a route between a number of houses and the wider Town. At the time of my site visit vehicles were parked on both sides of the road in the section closest to the appeal site. There were relatively frequent vehicle movements along the road and vehicle speeds were relatively low. Although a snapshot in time, I have limited evidence to demonstrate that such conditions are abnormal.
14. The enlarged door opening to the storage area at the rear of the building is set on the back edge of the footway. The raised highway kerb in front of the door opening is relatively low in height above the carriageway and would be unlikely to prevent a vehicle from being driven over the footway and into the building. It is unclear from the evidence before me whether the previous door opening was sufficiently wide for vehicles to be driven into the building.
15. The side walls of the building would block the visibility of a driver exiting the storage area of the building to join Norman Road in a forward direction, preventing a full view of the footway until after the front of the vehicle has driven onto it. A driver exiting the building in a reverse gear has an even more restricted view of the footway. Furthermore, vehicles parked on the highway close to the door opening would noticeably restrict the visibility of drivers of vehicles exiting the building and of approaching road users in the carriageway to see each other. Therefore, on the evidence before me, the enlarged door opening to the building presents an unacceptable safety risk to pedestrians using the footway, especially children, and to other road users in the carriageway.
16. I acknowledge that the appeal development does not include a dropped kerb in front of the building. The appellant states there is no intention to install a dropped kerb. However, given the width of the door opening and the relatively low kerb height, there is a relatively high probability of a vehicle being parked in the building. Even if this were not to happen now, there is no mechanism before me to prevent a vehicle from parking in the building in the future.
17. During my site visit there were parking spaces available within Norman Road. Even if the enlarged door opening to the storage building has removed a single car parking space from the street, I have not been presented with any substantive evidence as to how this causes harm to the living conditions of nearby occupiers or severe impacts on the safety of road users. I saw that parking around junctions and along Lowfield Road was restricted by Traffic Regulation Orders (double yellow lines) and I did not observe any vehicles parked on double yellow lines or footpaths.
18. The appeal premises is a modestly sized retail premises. Even if the enlarged door opening to the storage area encourages more activity associated with the use of the premises, I have no substantive evidence that it has or will result in severe impacts on the free flow of traffic or congestion in the highway.
19. For these reasons, I conclude that the development poses an unacceptable risk to the safety of highway users. Accordingly, the appeal development conflicts with Policies DP3 and DP4 of the DDPP, which seek to ensure, amongst other objectives, that development does not result in severe impacts on the safety of pedestrians, cyclists and other road-users.

Living conditions

20. Lowfield Road is a classified road (A225) and is a busy route through the town, generating a commensurate level of near continuous traffic noise that was clearly audible from the area of the appeal site. As such, the area of the appeal site, although residential in character, is not located within a particularly tranquil area of the town.
21. I have no substantive evidence before me to demonstrate that the operation of the roller shutter door would generate materially harmful levels of noise and disturbance. Although operation of the replacement roller shutter door to the storage area of the building will likely generate audible noise, this would be limited in duration and transient in nature, and therefore would not be harmful.
22. The appeal property is a modestly sized retail premises. Even if the enlarged door opening encourages more activity associated with the use of the premises, I have no substantive evidence that this would generate materially harmful levels of noise and disturbance to the detriment of the living conditions of nearby occupiers.
23. Based on the evidence before me, I conclude that the appeal development does not have harmful effects on the living conditions of the occupiers of nearby properties with particular regard to noise. The development is therefore consistent Policy DP5 of the DDPP, which seeks to ensure, amongst objectives, that development does not result in unacceptable noise impacts on neighbouring uses.

Other Matters

24. The enlarged door opening to the building is likely to make it easier to move bulky goods into and out of the premises. Whilst this is a benefit to the occupier of the premises, it does not outweigh the harm and policy conflict that I have identified above.
25. In terms of sustainable development, Paragraph 126 of the Framework states that good design is a key aspect of sustainable development. For the reasons given above, I have found that the appeal proposal is not good design.

Conclusion

26. I have found that the appeal development does not result in harm to the living conditions of the occupiers of nearby properties. However, this does not outweigh its harmful effect on the character and appearance of the host property and area, and on the safety of highway users. Given that this results in conflict with the development plan policies referred to above, I conclude that the appeal development is contrary to the development plan as a whole. Having regard to all matters raised, there are no other considerations that would outweigh the identified conflict. As such, the appeal should be dismissed.

G Sylvester

INSPECTOR