



Appeal Decision

Site visit made on 28 June 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/T2215/D/23/3322505

7 Barker Fields, Southfleet, Kent DA13 9AL

- 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 Danny Groves against the decision of Dartford Borough Council.
 - The application Ref DA/23/00123/FUL, dated 3 February 2023, was refused by notice dated 3 April 2023.
 - The development proposed is a loft conversion with crown top dormer window to rear elevation & 3 No. roof light windows to front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion with crown top dormer window to rear elevation & 3 No. roof light windows to front elevation at 7 Barker Fields, Southfleet, Kent DA13 9AL in accordance with the terms of application, Ref DA/23/00123/FUL, dated 3 February 2023, subject to the conditions in the attached schedule.

Preliminary Matters

2. The decision notice refers to policies in the emerging local plan, Dartford Local Plan to 2037 Pre-Submission (Publication) Document September 2021 which has been submitted for examination. I appreciate that these emerging policies have progressed without objections, however, I cannot be certain that these policies will not be modified before their examination is concluded or that they will be adopted. In accordance with Paragraph 48 of the National Planning Policy Framework, this limits the weight that can be given to these policies.
3. I have taken the description of development from the application form. Although different from that on the decision notice, confirmation that a change to the application description was agreed has not been provided.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and, the effect of the proposal on the living conditions of the occupants of 11 Barker Fields with particular reference to privacy.

Reasons

Character and appearance

5. The appeal site is a two-storey house located within a residential area. It forms part of a short terrace with houses of a similar scale, materiality, and architectural treatment, sharing a half-hipped roof. The surrounding area is characterised by houses of different designs with roof forms consisting of

pitched roofs, cat slide roofs, front gables, and crown roofs. Other noticeable features include roof lights and solar panels. As such, the variety of roof forms on display provides visual interest and positively contributes to the street.

6. I appreciate the Council's point that the existing roof is clean-cut and simple. However, as the dormer window would be on the rear roof slope, when viewed from the front elevation, it would not appear to alter the roof shape. The dormer window would have a crown roof with flat roof at the apex, incorporating a set in from the eaves of the main roof and a set down from the roof ridge. As such, it would not occupy the whole roof slope. Due to its size, scale, and height, the dormer window would not be excessively large or unduly dominant. It would therefore not result in a 'top-heavy' roof and would be a subordinate addition. Due to its overall design, the dormer window would not unacceptably impact the appearance of the property.
7. I accept that in the immediate vicinity of the appeal site, there are no examples of rear dormer windows similar to the proposal. However, front and side dormer windows are present on nearby houses and can be seen from street level. When viewed from the rear public vantage points, the dormer window would be visible. However, given the presence of the mixed roof forms and the examples of other dormer windows, the dormer window would be seen against this backdrop of different roof forms. Taking account of the dormer window's form, width, and position on the rear roof slope, combined with its matching materials and window proportions, it would result in a development that is not obtrusive or overly prominent. Therefore, based on the evidence put before me and the findings from my site visit, I am satisfied that the dormer window would not appear incongruous in the street scene.
8. The Council has not raised issues with the front roof lights, and I have no reason to disagree.
9. I therefore conclude that the size, siting, form and materials of the proposal would relate well to the appeal site. It would not have a harmful effect on the character and appearance of the area and would therefore not conflict with Policies DP2 and DP7 of the Dartford Development Policies Plan (2017). When taken together, these policies among other things, seek residential extensions that are of a design that is not visually obtrusive and responds to the positive aspects of the locality.

Living conditions

10. At my site visit, I saw that the garden of No 11, can be viewed from the first-floor rear window of the appeal property. Consequently, this neighbour is overlooked from the appeal site and there is a degree of mutual overlooking between the two houses.
11. I accept that the garden of No 11 would be seen from the dormer window at an elevated level. However, these views would be similar to the existing views that can be seen from the first-floor window. Given the distance between the appeal site and No 11, I am not persuaded that the level of overlooking from the dormer window would be materially different to the existing situation. On this basis, the dormer window would not harm the privacy of the occupants of No 11 in this context.

12. I therefore conclude that on this issue, the proposal would comply with Policy DP5 of the Dartford Development Policies Plan (2017) which among other things, requires development not to result in unacceptable material impacts with particular consideration given to overlooking and privacy.

Other Matters

13. The decision notice refers to Policy DP6 of the Dartford Development Policies Plan (2017), however, this relates to sustainable residential locations and is therefore not determinative in the context of this appeal.
14. Whilst I have already referenced the emerging policies above, I note that these policies seem not to be materially different to the adopted policies insofar as this appeal is concerned. In any event therefore, even if I were to give these policies full weight, my conclusions above would be similar.

Conditions

15. I have imposed the statutory implementation condition, along with a condition listing the approved plans to provide certainty. A materials condition is also necessary to ensure the external materials of the proposal match the existing materials to protect the appearance of the area.

Conclusion

16. The proposal complies with the development plan, read as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

L Reid

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1418 – 03 Loft Conversion Elevations Proposed, 1418 – 04 Loft Conversion Ground & First Floor Plans Proposed, 1418 – 05 Loft Conversion Loft Floor Plan Proposed, 1418 – 09 Loft Conversion Site & Block Plan AS PROPOSED.
- 3) The external finishing materials of the development hereby permitted shall match those used in the construction of the existing building.