



Appeal Decision

Site visit made on 25 July 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/T2215/W/22/3311743

2 Hart Shaw, Longfield DA3 7JH

- 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 Mrs Fry against the decision of Dartford Borough Council.
 - The application Ref DA/22/00370/FUL, dated 29 March 2022, was refused by notice dated 24 May 2022.
 - The proposed development is 1 bed 2 person bungalow with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the proposal description from the planning application form. I have omitted words that are not development.
3. The Council confirms that the emerging Local Plan is well advanced and it provides a list of policies that it considers are consistent with the National Planning Policy Framework (the Framework) and lack unresolved soundness objections. However, with the exception of Policy M11 these are not policies listed on the decision notice. I therefore afford moderate weight to Policy M11 and limited weight to the other relevant policies from the Dartford Local Plan to 2037 Pre-Submission (Publication) Document (Pre-Submission Local Plan) September 2021 in my decision.

Main Issues

4. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the area, having particular regard to the Area of Special Character;
 - ii) whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to privacy and outlook; and,
 - iii) whether the appeal site represents a suitable location for windfall development, having particular regard to relevant development plan policies.

Reasons

Character and appearance

5. The appeal site comprises of garden land, which lies to the south of 2 Hart Shaw (No 2). The area is predominantly residential in character. The site lies within the New Barn Area of Special Character (ASC). Hart Shaw is a cul-de-sac, which is characterised by semi-detached bungalows that are of a similar scale, design and height. The existing bungalows are set back from the highway behind modest sized front gardens. The appeal site lies close to the entrance of the cul-de-sac. There are a group of trees on the corner with Southfleet Avenue and a row of trees adjacent to the rear boundary of the site. The uniformity of the existing development and the green and open character of the site make a positive contribution to the character and appearance of the area and ASC. Although the landscaping within the appeal site is currently overgrown, this is more a matter of maintenance and could be easily remedied.
6. While the proposal would provide a detached bungalow, the size, design and materials of the proposal would not appear at odds with the existing semi-detached dwellings in the street. The front building line would also respect the existing front building line on this side of the road. However, the proposal would be sited very close to the rear boundary and would result in the loss of some of the existing soft landscaping adjacent to the rear boundary, which would harm the sylvan character of the area. While the low front boundary wall would enable views into the garden and retain part of the open character of the site, the proposed development would result in the loss of part of this green open space and soft landscaping, which would be harmful to the character and appearance of the area.
7. Policy DP7 of the Dartford Development Policies Plan (DDPP) July 2017 states that inappropriate development on residential garden land will be resisted and only permitted where certain criteria are met. The proposal would result in the loss of trees and shrubs that adjoin the rear boundary of the site and would also result in the loss of an existing area of landscaping at the entrance of the cul-de-sac. Consequently, existing significant landscape features would not be retained and the local character of the area would be eroded.
8. An area of hardstanding for parking is proposed to the front of the dwelling, which would adjoin an existing area of hardstanding that is located in front of an outbuilding belonging to No 2. The proposal would create a large expanse of hardstanding, which would have an urbanising effect and harm the character and appearance of the street scene.
9. For the reasons given above, I conclude that the proposal would be harmful to the character and appearance of the area and the ASC. The proposal would conflict with Policies DP2 and DP7 of the DDPP. These policies among other things require that development reinforces and enhances local character and that development on garden land does not erode the character of an area.
10. Even having regard to my comments in the preliminary matters, the proposal would be contrary to Policy M1 of the Pre-Submission Local Plan, which requires that development reinforces and enhances positive aspects of the locality, that development takes opportunities to create high quality and beautiful places and that the character of ASCs is respected.

Living conditions of future occupants

11. The proposed garden would be sited to the side of the property and would be enclosed by a low boundary wall. The proposed garden would be overlooked from the public realm and consequently, it would fail to provide private outdoor amenity space for future residents. The proposed bedroom would be sited to the front of the property and have a large bay window, which would be highly visible from the public realm and fail to provide an acceptable level of privacy for future residents.
12. Full height glazed windows are proposed for the kitchen, which would face the side boundary and outbuilding of No 2. Given the space between this window and boundary/outbuilding, the proposal would provide adequate outlook for future occupants from the kitchen window.
13. Even though I find that the proposed development would provide an acceptable level of outlook for future residents, I conclude that the proposal would fail to provide an acceptable level of privacy for future occupants. The proposal would conflict with Policies DP5 and DP8 of the DDPP and Policy CS10 of the Dartford Core Strategy (CS) September 2011, which among other things require that all new dwellings provide good quality private outdoor amenity space for new dwellings and consider factors such as privacy.
14. The proposal would also be contrary to Policies M1, M2 and M10 of the Pre-Submission Local Plan, which require that new residential developments provide high quality private amenity space and that particular consideration is given to factors such as privacy.

Windfall development

15. Policy CS10 of the CS sets out the development strategy for housing within the borough. It seeks to concentrate the majority of housing on large, previously developed strategic sites. Policy CS10 also sets out the criteria for windfall sites. It requires a consideration of the sustainability of a site for housing development and whether the benefits of the development would outweigh the disbenefits. Policy DP6 of the DDPP requires that unplanned windfall residential development is assessed in accordance with Policy CS10 of the CS.
16. The CS and DDPP predate the current Framework, which supports the development of windfall sites and gives great weight to the benefits of using suitable sites within existing settlements for homes. The Council proposes to retain a similar windfall policy in the emerging Local Plan. Policy CS10 of the CS is largely consistent with the Framework, which seeks to ensure that new housing development is located in areas with good accessibility to local shops and facilities and that new development promotes walking and cycling.
17. While the Council currently has a 5 year housing land supply, the provision of a new one bedroom bungalow, which would be suitable for elderly and/or disabled persons would add to the diversity of the borough's housing stock and be a benefit of the scheme. Although the proposal would provide a small dwelling, there is insufficient information before me to demonstrate that the dwelling would be affordable to those on lower incomes, and I give this limited weight. The proposal would allow the appellant to downsize while remaining in their existing community, which is close to the countryside. The proposal would make effective use of an area of underutilised land and has the potential to

reduce fly tipping in this location, which are further benefits of the scheme. It would also provide a thermally efficient dwelling. The provision of an electric vehicle charging point is a neutral factor, as this is a requirement under separate legislation. Taken as a whole, the benefits of the scheme are afforded limited weight, as the proposal would only provide one dwelling.

18. In terms of the disbenefits, the site is not previously developed land, which counts against the proposal. The proposal would also be harmful to the character and appearance of the area, the ASC and the living conditions of future occupants. The site is also poorly related to services and facilities. The nearest shops are approximately 2.5km away and schools around 1.2km away. There are bus stops within walking distance of the site; however, bus services are infrequent. While there is a mobile library that stops at the end of Hart Shaw every week and the site has good access to the countryside, future residents would be heavily reliant on private motor vehicles to meet their day-to-day needs, and this weighs heavily against the development.
19. Overall, the benefits of providing one small unit of accommodation that would be suitable for elderly and/or disabled persons do not outweigh the disbenefits of the scheme in respect to the harm to the character and appearance of the area and the ASC, harm to the living conditions of future occupants and the harm by reason of the poor accessibility of the site to local services and facilities.
20. I conclude that the appeal site would not be a suitable location for windfall development. The proposal would conflict with Policies CS1 and CS10 of the CS and Policies DP2, DP5, DP6, DP7 and DP8 of the DDPP. These policies among other things seek to promote sustainable patterns of development; ensure that the benefits of windfall schemes outweigh the disbenefits; that inappropriate development on residential garden land is resisted, particularly where development would erode local character; that the Borough's environment is protected and that development reinforces and enhances the positive aspects of the locality; and that all new dwellings provide good quality private outdoor amenity space for new dwellings and consider factors such as privacy.
21. The proposal would also conflict with the Council's Housing Windfall Supplementary Planning Document (SPD) October 2014. This SPD seeks to focus new housing development on previously developed land and ensure that new housing is located in areas that have good accessibility to local facilities and public transport links. Furthermore, the proposal would conflict with Policies M1, M2, M9, M10 and M11 of the Pre-Submission Local Plan, which seek to concentrate residential development on brownfield land within the urban area; require that residential development will be supported where the benefits of the proposal outweigh the disbenefits, including the sustainability of the site's location; require the character of ASCs are respected; that development reinforces and enhances the positive aspects of the locality; that development protects the environment and amenity; and, that development provides high quality private amenity space.

Other Matters

22. The Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 (the Act) identifies that age and disability are relevant protected characteristics for the purposes of the Act. The PSED sets out the need to

eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. This decision would deny people who share these protected characteristics the opportunity of residing in a dwelling that is suitable for their needs, which differ from others that do not share these protected characteristics.

23. I have had due regard to the PSED, but the benefits in terms of eliminating discrimination against persons with the protected characteristics of age and disability and advancing equality of opportunity for those persons and fostering good relations between them and others does not outweigh the harm that I have identified. I conclude that it is proportionate and necessary to dismiss the appeal.
24. I have taken into consideration the limited amount of public interest and the neutral comments of the Parish Council; however, this does not alter my decision.

Conclusion

25. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR