



Appeal Decision

Site visit made on 2 October 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/T2215/D/23/3326198

206 Birchwood Road, Wilmington, Kent DA2 7HA

- 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 A Wilkin against the decision of Dartford Borough Council.
- The application Ref DA/23/00165/FUL, dated 1 February 2023, was refused by notice dated 3 May 2023.
- The development proposed is a first floor rear extension, demolition and reconstruction of existing roof with raised ridge height, rear dormers, raising of front and rear gables and facade alterations.

Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension, demolition and reconstruction of existing roof with raised ridge height, rear dormers, raising of front and rear gables and facade alterations at 206 Birchwood Road, Wilmington, Kent DA2 7HA in accordance with the terms of the application, Ref DA/23/00165/FUL, dated 1 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 206/Birchwood-Rd/PL/D2, 206/Birchwood-Rd/PL/D3-B and 206/Birchwood-Rd/PL/D4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. The Council's reason for refusal did not specify any policies of the development plan. However, the Delegated Report, refers to development plan policies and the appellant has considered these. I am satisfied that there would be no prejudice to my taking account of the reference policies in my decision.
3. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. The amendments to the Framework do not have any bearing on the matters in dispute in this appeal.

Main Issues

4. There are inconsistencies between the reason for refusal on the decision notice and that set out in the Delegated Report. Having regard to the Council's formal decision notice, the main issues are the effect of the proposal on:

- the character and appearance of the area; and
- the living conditions of the occupants of No 204a Birchwood Road (No 204a), with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is located within a row of dwellings, to one side of Birchwood Road. The architecture in the locality is varied comprising a mix of single-storey and two-storey dwellings of differing designs constructed using a variety of materials. Dwellings are typically set back from the road frontage on a similar building line. The property at No 208 Birchwood Road (No 208) has been extended and No 204a outwardly is a single storey dwelling.
6. The appeal property is a detached two-storey dwelling set behind a double garage. The front elevation of the dwelling appears unbalanced due to the differing sizes of the gables either side of the central porch. The proposal would raise the height of the smaller gable, resulting in a more balanced appearance. The increase in ridge height would be minimal and would not cause the dwelling to appear significantly larger than other two-storey dwellings in the street nor dominate the neighbouring single storey building.
7. I accept that the enlarged roof would have an unusual form in comparison to the surrounding development. Whilst uncommon, the proposed side elevations would not be prominent due to the proximity of the appeal property to its neighbours, its set back from the road frontage and because of existing intervening features, including trees, which would obscure views of the proposed roof form where it is visible above the single storey dwelling to one side. The alterations would therefore not have a detrimental effect on the street scene.
8. I conclude that the proposal would not have a harmful effect on the character and appearance of the area. The proposed development accords with Policies DP2 and DP7 of the Dartford Development Policies Plan 2017 (the DDPP), which seeks to ensure that local character is retained and roof forms relate to neighbouring buildings.

Living conditions

9. The proposal would increase the height of the side elevation, which faces towards No 204a. The proposal would not encroach any closer to the side boundary and whilst the side elevation would be higher, it would not appear unduly dominant or overbearing for the occupants of No 204a due to the retained separation between the dwellings. In addition, the use of hanging tiles above the painted render at ground floor level would assist in breaking up the elevation such that it would not appear stark or oppressive.
10. I conclude that the proposed development would not harm the outlook of the occupants of No 204a. The proposal accords with policies DP5 and DP7 of the DDPP, which seek to protect the amenity of neighbouring properties.

Other Matters

11. The proposed extension to the rear would be close to the dwelling at No 208. However, the windows at No 208 that face towards the appeal site serve non-

habitable rooms. In addition, the first floor extension would not project beyond the two-storey element of No 208 thereby preserving the outlook and the level of natural light. I see no reason to disagree with the council that the living conditions of No 208 would not be harmed by the proposal. I acknowledge that a previous proposal at the site was considered to be more appropriate in respect of No 208, even so, I have considered the proposal before me on its own merits.

12. Whilst I appreciate that everyone has the right to respect for their private and family life and their home, given my conclusions the proposal would not impinge on these rights.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
14. In order to protect the character and appearance of the area, I have also imposed conditions requiring the external materials to be used in the construction of the extensions and alterations to match those of the existing building.

Conclusion

15. The proposal would accord with the development plan as a whole and there are no material considerations, which would indicate that a decision should be made otherwise. Therefore, for the reasons given, I conclude that the appeal should succeed.

J Pearce

INSPECTOR