



Appeal Decision

Site visit made on 5 September 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2023

Appeal Ref: APP/T2215/W/23/3314610

1 Lunedale Road, Darenth, Dartford DA2 6LR

- 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 Khaled Khalil against the decision of Dartford Borough Council.
 - The application Ref DA/22/01001/FUL, dated 18 August 2022, was refused by notice dated 11 November 2022.
 - The development proposed is the demolition of existing garage and erection of a 2-bedroom semi-detached house with basement.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appellant has outlined that none of the planning policies referred to by the Council set out a presumption against the development of windfall sites. Subject to the proposal being acceptable in all other matters, I agree. Therefore, the determinative factors over the acceptability of the proposal relate to the following main issues:
 - the effect of the proposal on the character and appearance of the host dwelling and the surrounding area;
 - whether the proposal would provide a satisfactory standard of accommodation for future occupiers, with particular regard to access to light, outlook, privacy and external amenity space;
 - the effect of the proposal on the living conditions of neighbouring occupiers with regard to outlook, privacy and external amenity space;
 - the effect of the development on highway safety.

Reasons for the Recommendation

Character and appearance

4. The appeal property is a semi-detached bungalow located on the southern side of Lunedale Road, adjacent to the junction with Gore Road. The dwelling features an existing single storey side extension and a detached garage. It lies
-

within an established residential area characterised by a mix of bungalows and two-storey semi-detached properties. Whilst most of the properties on Lunedale Road are two-storey, Nos 1-4 at the entrance of the road are single storey bungalows and are similar to the neighbouring bungalows on Gore Road.

5. The proposed two-storey dwelling would abut the host property and would have an unusual shape featuring a large blank southern flank wall and a half-pitched roof with low eaves and two large front dormer windows with balconies. Its unique architectural form and external appearance would not be consistent with the local urban grain which is characterised by conventional bungalows. Given its two-storey height and proximity to the adjacent single-storey buildings, the scale of the proposed dwelling would appear excessively bulky.
6. Furthermore, the proposed basement, with an open front patio and access stairs below ground level, would jar with the surrounding context which is characterised by small front gardens, ancillary garages and driveways. The built form at lower ground level would be perceived as an insensitive addition to the frontage of No 1 which would erode the character of the street scene.
7. I therefore find that the awkward design, overall scale, bulk and siting of the proposal would constitute an incongruous development that would be squeezed onto a limited plot in a cramped manner. It would dominate the host dwelling and fail to harmonise with the surrounding pattern of development. It would thus have an adverse impact on the character and appearance of the area.
8. Given the above, the proposal would conflict with Policy CS17 of the Core Strategy (September 2011) (CS), Policies DP2 and DP7 of the adopted Dartford Development Policies Plan (July 2017) (DPPP) and the emerging Policies M1, M10 and M11 of the Pre-Submission Dartford Local Plan (September 2021) (the PSDLP), as well as the National Planning Policy Framework (the Framework) which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area.

Standard of Accommodation

9. The proposed floorplans indicate that the proposed accommodation would be single aspect only with the fenestration facing in a northerly direction. Future occupiers would therefore have limited outlook with views of the road solely.
10. The appellant states that the proposed development would provide satisfactory access to natural light, however, the orientation of the property in a northerly direction would not allow appropriate levels of natural light to penetrate the property. This is especially relevant for the basement level accommodation. The below ground living area, playroom and kitchenette would be gloomy as they would not receive acceptable levels of light.
11. Furthermore, the basement living area windows would face the highway and would not be sufficiently protected from views from passers-by using the pavement above. The playroom window would also be very close to the pavement and would not offer satisfactory levels of privacy for occupiers.
12. With regards to the lower ground patio area, I concur with the Council that this space would not offer an acceptable level of private external amenity space. It is small in scale for a two to three-bedroom property and would not be sufficiently private due to its siting adjacent to the public highway. It would be

open to views from passers-by and, as above, would be very shaded owing to its northerly orientation and sunken level.

13. Given this, the proposal would not provide a satisfactory standard of accommodation for future occupiers with regard to access to natural light, outlook, privacy and external amenity space.
14. Therefore, the proposal would conflict with Policy CS17 of the CS, Policies DP5 and DP8 of the DPPP and emerging Policies M1, M2, M10 and M11 of the PSDLP, as well as the Framework, which together seek to ensure proposals for new residential development protect the amenity of future occupants and satisfy essential principles of good quality design, including sufficient amenity space and the provision of sufficient daylight and direct sunlight.

Living conditions of neighbours

15. The proposed dwelling would be sited adjacent to the neighbouring property at 66 Gore Road. The proposed rear and flank walls would project over the roof of the neighbouring garage and would be visible to the neighbouring occupiers from ground floor windows as well as from within their rear garden. Its height and overall scale would have an overbearing effect as it would appear as a dominant structure. It would adversely impact the outlook of the neighbouring occupants and erode the enjoyment of their private amenity space.
16. Furthermore, the proposal would reduce the amount of garden land available to the current and future occupiers of the host dwelling at No 1. Whilst the private amenity space to the rear of No 1 would not be affected by the proposal, the reduction in garden area to the front of the property would result in a more cramped arrangement with more of the space required for parking and less space available for landscaping, diminishing the quality and usability of the front garden. This is considered to negatively impact the living conditions of the neighbouring occupiers at No 1.
17. The proposed front balconies would face north but would not be directly facing the habitable rooms of the nearest property at 2 Lunedale Road. Also, as the proposed dwelling would be set back within the plot, the separation distance with No 2 would be sufficient to mitigate any unacceptable overlooking.
18. However, for the above reasons, the proposed development would harm the living conditions of neighbouring occupiers at 66 Gore Road and 1 Lunedale Road, in conflict with Policy CS17 of the CS, Policies DP5, DP7, and DP8 of the DPPP, emerging Policies M1, M2, M10 M11 of the PSDLP and the Framework, which together seek to ensure the amenity of neighbouring occupiers is not unacceptably affected.

Highway safety

19. The Council states that the proposal would lead to the displacement of parking for No 1 Lunedale Road and would thus increase parking pressures on surrounding roads. However, it appears that although the proposal would remove the existing garage, there would still be space for two parking spaces at the front of No 1. In any case, the displacement of one single parking space would not unreasonably impact parking pressures on the surrounding roads in the vicinity of the appeal site. Moreover, Lunedale Road is not a busy road and therefore accessing and exiting the parking spaces at No 1 would not be excessively challenging or hazardous to traffic flow on the road.

20. I therefore find that the proposal would not adversely impact highway safety. It would not conflict with Policies DP3 and DP4 of the DDPP and the Dartford Parking Standards Supplementary Planning Document 2012 which together seek to ensure that proposals provide appropriate parking and do not adversely impact highway safety.

Planning Balance and Recommendation

21. The Council has set out that it can demonstrate a 5-year housing land supply and this is not disputed by the appellant. Given the information before me, I have no reason to disagree with that view. As such the tilted balance as set out at Paragraph 11(d) of the Framework is not engaged.
22. The proposal would nevertheless provide an additional dwelling and there would be associated social and economic benefits which would arise, both from the construction process and subsequent engagement by new residents with local businesses and in the community. However, these benefits would be limited given the small scale of the proposal. I also recognise the scheme seeks to make efficient use of land; however, this is a matter of limited weight given the harm which has been identified as a consequence of the proposed design.
23. In addition to the above, the Council has referred to Policy CS1 of the CS in one of their reasons for refusal. However, this is a strategic policy relating to the spatial pattern of development and is not particularly relevant to the proposal before me. Furthermore, this policy does not prevent development in other areas of the Borough. As such, I find that the proposal does not conflict with the objectives of this policy.
24. However, I have found that the proposal would give rise to significant harm to the character and appearance of the area and to the living conditions of neighbouring occupiers and would not provide a satisfactory standard of accommodation for future occupiers of the proposed dwelling. This results in conflict with the development plan, taken as a whole, to which I afford significant weight.
25. The limited benefits arising in this case would not outweigh this conflict. Consequently, there are no other considerations, including the provisions of the Framework, which indicate that a decision should be made other than in accordance with the development plan.
26. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

K. Savage

INSPECTOR