



Appeal Decision

Site visit made on 28 November 2023

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14.12.2023

Appeal Ref: APP/T2215/W/23/3317644

72-74 Priory Road, Dartford, Kent, DA1 2BS

- 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 Ammo Dhah of Bexley Homes Ltd against the decision of Dartford Borough Council.
 - The application Ref DA/22/00773/FUL, dated 22 June 2022, was refused by notice dated 28 October 2022.
 - The development proposed is construction of a pair of semi-detached three bedroom two storey houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised drawings with the appeal which adjust the site layout to enable retention of an existing tree along the western boundary and allow for more landscaping to be provided. I do not consider that these alterations materially or substantially alter the proposal that is before me, nor do I consider that these minor changes would prejudice any third party in this case. I have therefore taken revised drawings CC/2022/02B and 04C into consideration in reaching my decision.

Main Issues

3. The main issues raised by this appeal are the effect of the proposed development on: -
 - a) Character and appearance of the area;
 - b) Highway safety;
 - c) Parking provision;
 - d) Privacy; and
 - e) Amenity space.

Reasons

Character and appearance

4. The existing occupiers of the dwellings within Cairns Close make use of the limited on-street parking within the Close or have some off street parking. This gives Cairns Close a heavily parked up appearance. The proposed parking would be to the front and to one side of the development which is currently a grass verge with driveway. The additional side and frontage parking within Cairns Close, as proposed here, would further contribute to the congested appearance of the area. For this reason, the proposed development would be visually harmful.
5. Some soft landscaping around the parking spaces would to some extent lessen the stark appearance of the spaces within the street scene. However, the spaces would be positioned at the edge of the highway. This adds to the visual prominence of these parking spaces to the congested appearance of this street scene. A visually acceptable surfacing material could be chosen to surface the parking spaces and I accept that some landscape could be provided. However, this would be limited and may not establish given the limited space available. Consequently, I consider the proposed landscaping, including the retention of an existing tree, would be insufficient to bring about any meaningful visual softening to the parking areas. The imposition of a landscaping condition would not obviate my above concerns and, therefore, would not be appropriate to impose.
6. There has been a previous dismissed appeal relating to this site (Appeal Ref: APP/T2215/A/09/2094685). In that case the parking provision was proposed within the development frontages. That Inspector did not find the parking arrangement to be visually acceptable. The appellant advocates that the proposed parking arrangement would overcome the previous Inspector's concerns. However, for those reason set out above I have not found the proposed parking arrangement to be visually acceptable.
7. A dwelling has previously been granted planning permission at the appeal site under Planning Reference 09/00973/FUL. Although that development would also have represented a subdivision of land, that proposal was a scheme for one dwelling, which is materially different to that of the two dwelling proposal that is before me.
8. It is contended that the proposed development would be similar to a scheme at Chave Road, a development allowed at appeal (Appeal Ref: APP/T2215/W/21/3273136). There is little information provided in respect of that scheme other than the Inspector's decision letter. Whilst this does offer some information in regard of that scheme, I have not been provided the full details of that proposal. I therefore am unable to fully consider what similarities, if any, the development at Chave Road would have to the proposal that is before me.
9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore conflict with Policies CS1 and CS10 of the Dartford Core Strategy, Policies DP2,

DP3, DP4, DP5, DP6, DP7 and DP8 of the Dartford Development Policies Plan and Policies M1, M2, M9, M10 and M11 of the emerging Dartford Local Plan. These policies seek, amongst other matters, development to be of good design.

Highway Safety

10. Kent County Council (KCC) Highways advises that the car parking arrangement needs to follow KCC Vehicle Crossover Guidance that requires parking spaces to be located at a right angle to the highway. Two of the proposed spaces would not meet this requirement. There are no parking restrictions in the area and it is very likely that the residents of numbers 1 to 4 Cairns Close would park vehicles in front of their homes. This would restrict manoeuvring space within the highway and would create parking difficulties with relation to the proposed parking spaces opposite numbers 1 to 4. I acknowledge that the proposed angle of the parking spaces has been a deliberate design approach taking into consideration the parking situation along Cairns Close. Notwithstanding this, these two parking spaces as proposed would not be acceptable and, as such, they would not achieve a standard of parking that would be safe.
11. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore conflict with Policies CS1 and CS10 of the Core Strategy, Policies DP2, DP3, DP4, DP5, DP6, DP7 and DP8 of the Dartford Development Policies Plan and Policies M1, M2, M9, M10 and M11 of the emerging Dartford Local Plan. These policies, amongst other matters, require development to be of safe and accessible design by considering layout and siting in regard of highway capacity and safety.

Parking Provision

12. The site is located in an urban area where the Council identifies a parking requirement of 1.5 spaces per home plus visitor and van parking spaces. The proposed development would accommodate four parking spaces. The proposal exceeds the occupiers parking standard requirement. As such, this could potentially provide a space for a visitor or a van at the site. Notwithstanding this, I have identified that two spaces would not meet a standard of parking that would be safe and this would reduce the use of those spaces for parking purposes. Third parties that have made representation highlight parking to be an issue in this area. Development of the site with insufficient parking provision would place increased pressure upon the on-street parking requirement in the area.
13. I acknowledge that there are no parking restrictions within Cairns Close. However, this does not justify an exemption to applying the adopted parking standards that do not differentiate between restricted and non-restricted parking areas.
14. For these reasons, I conclude that the proposed development would not provide adequate parking provision. The proposal would, therefore conflict with Policy CS15 of the Core Strategy, Policies DP3, DP4 and DP5 of the Dartford Development Policies Plan, Parking Standards Supplementary Planning Document (SPD) 2012 and Policies M1, M2 and M11 of the emerging Dartford Local Plan. These policies and SPD seek, amongst other matters, to resist development that would place excessive pressure for on-street parking.

Privacy

15. The proposed dwellings would be sited at the rear of numbers 71, 72, 73 and 74 Priory Road. These existing dwellings have elevated outlook from internal rooms toward the appeal site. Given the limited separation between these existing properties and the private rear gardens of the proposed dwellings, overlooking of the proposed private outdoor living spaces would take place. This would be harmful to the living conditions that the future occupiers should reasonably expect to enjoy.
16. The gardens of the proposed development would back onto the rear garden of number 70 Priory Road. There would be limited separation between the proposed dwellings and the rear garden of number 70. The dwellings would be clearly visible in the outlook from the garden of number 70, and to some extent also number 69. The proposed dwellings would appear dominant in outlook and this would detract from the enjoyment these existing occupiers would have of their outdoor living spaces.
17. Furthermore, given the limited separation between the proposed dwellings and these existing outdoor living spaces, overlooking from elevated outlook at the rear of the proposed dwellings would take place of the private gardens even if existing boundary treatments are retained. I accept that this overlooking would be toward the rearmost part of the garden rather than the private space near to the rear of the house. Nonetheless, this is private garden space. As such, this would further diminish the enjoyment of these outdoor living spaces harming the enjoyment the existing occupiers should reasonably expect to enjoy. The existing vegetation within the neighbouring occupiers garden could reduce this harm. However, the retention of this vegetation is not within the control of the appellant and could be removed.
18. There may be examples of other similar relationships of proximity of dwellings and overlooking toward neighbouring occupiers outdoor living spaces in the locality. Whilst this may be so, this does not justify other development where harm would result.
19. For these reasons, I conclude that the proposed development would be harmful to privacy. The proposal would, therefore conflict with Policies DP2, DP5 and DP7 of the Dartford Development Policies Plan and Policies M1, M2 and M11 of the emerging Dartford Local Plan. These policies seek, amongst other matters, development to achieve good design and protect residential amenity.

Amenity Space

20. The local planning authority cites poor quality and insufficient garden space for the proposed family sized homes, limited size of gardens and overlooking from adjoining dwellings within its fourth reason for refusal and that this would be detrimental to the amenities of future occupiers. I have dealt with the issue of overlooking above. With regard to the quality and size of the garden spaces, I have not been directed to any adopted standards for garden sizes or other information that would indicate that the gardens could not provide adequate outdoor space for family enjoyment and storage. Consequently, this does not lead me to conclude that the quality or size of the outdoor living accommodation would be unacceptable in this case.

21. For these reasons, I conclude that the proposed development would provide acceptable amenity space for its future occupiers. As such, the proposed development would comply with Policy DP8 of the Dartford Development Policies Plan and Policy M10 of the emerging Dartford Local Plan that require development to provide useable and good quality private amenity space, including that of residential gardens.

Other Matters

22. Some of the policies referred to in the Council's first reason for refusal relate to housing provision, including that of windfall housing provision. I have been directed to the Council's adopted Housing Windfall SPD. The Council advises that it is able to demonstrate a 5-year housing land supply. Notwithstanding this, two dwellings would add to the supply of housing in a sustainable location making effective use of the land. The site is also within walking distance of public transport and retail facilities. The Council explains that windfall development such as this is to be considered and weighed up in terms of the benefits and disbenefits of the proposal. When taking the development plan as a whole, there would be harm arising from the proposed development to the character and appearance of the area, privacy and in respect of highway matters. These are disbenefits of the scheme and provide a clear reason for resisting the proposed development.

Conclusion

23. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR