



Appeal Decision

Site visit made on 9 January 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/T2215/D/23/3328473

21 Moore Close, Dartford, Kent DA2 6NN

- 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 Paul Spice against the decision of Dartford Borough Council.
 - The application Ref DA/23/00459/FUL, registered 13 April 2023, was refused by notice dated 6 June 2023.
 - The development proposed is formation of habitable area in roof space with rear dormer and alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of habitable area in roof space with rear dormer and alterations to fenestration at 21 Moore Close, Dartford, Kent DA2 6NN in accordance with the terms of the application, Ref DA/23/00459/FUL, registered 13 April 2023, subject to the following 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: OS Location Plan, SPICE/4 – PROPOSED ELEVATIONS, SPICE/THREE – PROPOSED LAYOUT, DWRG.23/07/01. AMENDED BLOCK PLAN ON APPEAL.
 - 3) The external finishing materials of the development hereby permitted shall match those used in the construction of the existing building.
 - 4) Prior to first occupation of the extension hereby permitted, the second floor window in the side elevation shall be fitted with obscured glazing and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the window shall be permanently retained as such thereafter.

Preliminary Matters

2. I have taken the description of development from the planning application form. Although it is different to that on the decision notice, no confirmation has been provided that the change to the wording of the description was agreed by both parties.
3. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023, updated 20 December 2023. The revisions do not materially affect the parts of the Framework pertinent to this appeal, although

paragraph numbers have changed. As such, there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my approach.

4. The decision notice refers to Policies M1 & M11 in the emerging local plan, Dartford Local Plan Pre-submission (Publication) Document, which has been submitted for examination and has not yet concluded. The Council has confirmed that Policy M11 has consistently lacked unresolved objections. However, it is unclear whether there are unresolved objections to Policy M1. I cannot be certain that these policies will not be modified as they are yet to be adopted. As such, in accordance with Paragraph 48 of the Framework, this limits the weight that can be given to these policies.
5. The appellant has submitted an amended block plan as part of their appeal. This amendment shows the position of the proposed rear dormer in a more central position to take account of the existing single storey side extension. It is evident that this is to correct an inaccuracy shown on the original block plan.
6. I have considered the amended plan under the principles established by the Courts in *Holborn Studios Ltd*¹. This amendment would not materially alter the proposed development such that to grant it would result in a development substantially different from that previously consulted upon. As such, I find that there is no prejudice that would justify re-consultation. I have therefore taken the amended block plan into consideration.
7. The appeal site is located within the Green Belt. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to certain exceptions. From the Applicant's Appeal Statement and the Council's Delegated Report, it would appear that the parties agree the proposal would fall within one of those exceptions - the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. From everything I have seen in submissions and on my site visit, I have no reason to disagree. On this basis, the proposal is not inappropriate development in the Green Belt.
8. The Council's reason for refusal is only concerned with the rear dormer. I have no reason to consider the remaining elements of the proposal.

Main Issue

9. The main issue is the effect of the proposed rear dormer on the character and appearance of the appeal building and the area.

Reasons

10. The appeal building is a two storey detached house. It sits on a prominent corner plot and is visible from the cul-de-sac. The surrounding area is residential in character, consisting of houses of a similar age and design.
11. The proposed rear dormer would have a crown roof, 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 width and height, the dormer would be of an appropriate size and would not appear out of scale set against the remaining expanse of the roof. It would therefore not result in a 'top-

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

heavy' roof. The design of the dormer would take design cues from the house with matching materials and fenestration to complement the appearance of the house.

12. The defining feature of the house and its immediate neighbours is the gable roof. By virtue of its size and positioning, the dormer would not take away from the visual prominence and importance of the gable roof. As such, it would not unbalance the roof of the house to an extent that would detract from its overall appearance.
13. My attention has been drawn to other dormers in the surrounding area, some of which I was able to see on my site visit. Whilst limited in the wider context, I do not consider that these types of roof extensions are uncommon. Nonetheless, I accept that in the immediate vicinity of the appeal site, there are no examples of rear dormers of a similar design to the proposal. However, at my site visit, I saw that No. 18 Moore Close has a large flat-roof box rear dormer which spans across most of the roof. No. 18 is near the appeal site and is part of the street scene. The presence of this extension means that rear dormers do form part of the character.
14. The front, side and rear elevations of No. 18 can be seen from public vantage points, similar to the location of the appeal house. Subsequently, the existing rear dormer at No. 18 is in a prominent position and can be seen from multiple vantage points, particularly from the adjacent cul-de-sac where it can be seen in full view.
15. When viewed from the rear public vantage points, the proposed dormer would be highly visible. However, given the presence and close proximity of the rear dormer at No. 18, the proposed dormer would be no more prominent or visually intrusive. It would therefore be in keeping with the local context.
16. For these reasons, I find that the proposed rear dormer would not cause harm to the character and appearance of the appeal building and the area. It would therefore comply with Policies DP2 and DP7 of the Dartford Development Policies Plan 2017. When taken together, these policies amongst other things, seek residential extensions that relate to neighbouring buildings and the wider locality in terms of height, mass, form and scale with a design that is not visually obtrusive.

Other Matters

17. 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, even if I were to give these policies full weight, my conclusions above would be similar.

Conditions

18. I have considered the conditions requested by the Council in their questionnaire in light of the Planning Practice Guidance. 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 appeal building.

19. Whilst not referenced in the Council's questionnaire, the Council's Delegated Report makes reference to a condition to ensure that the proposed second floor window in the side elevation is fitted with obscure glazing and non-opening below 1.7m from internal floor level. I have imposed this condition as it is necessary to ensure no unacceptable overlooking occurs to the occupiers of the neighbouring house.
20. The Council's Delegated Report also makes reference to a condition to ensure that the existing off-street parking provision is remained in perpetuity. I have not imposed this condition as it would not be relevant to the development permitted.

Conclusion

21. The proposal complies with the development plan, read as a whole. Therefore, the appeal is allowed.

L Reid

INSPECTOR