



Appeal Decision

Site visit made on 23 January 2024

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2024

Appeal Ref: APP/T2215/D/23/3333502 30 Larch Road, Dartford DA1 2LF

- 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 T Pakeerathan against the decision of Dartford Borough Council.
 - The application Ref DA/23/00412/FUL, dated 28 March 2023, was refused by notice dated 12 October 2023.
 - The development proposed is the erection of a single storey rear extension, side double storey and part of first floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised versions of the National Planning Policy Framework (the Framework) have been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the latest version of the Framework in reaching my decision.
3. The description of the proposed development provided on the planning application form indicates that the development has already taken place. Therefore, I was able to view the extensions at the time of my visit.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the occupiers of 32 Larch Road.

Reasons

5. There is planning permission in place for a similar proposed development. Notwithstanding that, the proposal before me incorporates a tall parapet wall extremely close to the common boundary with the adjoining dwelling (32 Larch Road) that projects some distance along the boundary. A fence runs along the common boundary, however, the parapet wall is much taller than the fence.
6. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The parapet wall would be extremely dominant in the outlook from the rear habitable living space within the property, as well as from their outdoor living space at the rear of the

dwelling. The visually overbearing impact of this wall in such close proximity to the adjoining property would diminish the enjoyment of the residential living environment for the neighbouring occupiers and would harm the enjoyment the existing occupiers should reasonably expect to enjoy.

7. It is suggested that the neighbouring ground floor room closest to the parapet wall is a bathroom where outlook is reduced due to the window relating to that room being obscure glazed. I also acknowledge that there is currently a shed immediately to the rear of the dwelling that blocks outlook from two ground floor openings at No.32. The positioning of the shed is not a conventional arrangement and one that future occupiers would be extremely likely to seek to remove. Even if the nearest window serves a bathroom, the visually overbearing impact of this wall in such close proximity to the adjoining property would dominate the outdoor living space. This space should be protected for existing and future occupiers irrespective of the shed that has been erected.
8. The parapet is to the north of the adjoining dwelling and, taking into account the orientation of the sun, would not cast overshadowing over the dwelling to the south.
9. The alterations have allowed the internal layout of the appeal property to be modified and improved with additional bedroom space and bathroom facilities at first floor. This creates a more practically sized and functional family home. The property does not fall within a Conservation Area and there are no Listed buildings nearby. I note that many of the dwellings in the area have been extended and the Council considers the proposal to be acceptable in regard of the character and appearance of the area. Whilst these are merits of the proposed development, these matters do not overcome the harm that I have identified above or justify the proposal.
10. No objections to the proposal have been received from existing neighbouring occupiers. Whilst this may be so, this does not make an unacceptable development acceptable.
11. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of 32 Larch Road. The proposal would, therefore conflict with Policies DP5 and DP7 of the Dartford Development Policies Plan and Policies M2 and M11 of the emerging Dartford Local Plan. These policies seek, amongst other matters, residential extensions not to harm residential amenity.

Conclusion

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

Nicola Davies

INSPECTOR