



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: 8 February 2024

Appeal Ref: APP/T2215/D/23/3328341
13 Perrin Road, Dartford DA1 5UE

- 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 Ms Eniola Abdulsalam against the decision of Dartford Borough Council.
 - The application Ref DA/23/00579/FUL, dated 09 May 2023, was refused by notice dated 03 August 2023.
 - The development proposed is the erection of a garden office.
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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 garden office at the time of my visit.

Main Issues

4. The main issues raised by this appeal are the effect of the proposed development on the living conditions of existing adjoining occupiers and the character and appearance of the host property and the area.

Reasons

Living conditions

5. The garden office is positioned extremely close to the common boundary of 11 Perrin Road. It is a tall structure that is clearly visible to the neighbouring occupiers over the existing fence that runs along the common boundary. Furthermore, it is also of significant length occupying more than half the depth of the rear garden. Given the overall size of the garden office and proximity to the neighbour occupiers the building appears dominant in the outlook from both the dwelling and the outdoor living space of 11 Perrin Road.

6. A narrow access separates the garden office from the boundary of 15 Perrin Road. The structure again is a long tall building clearly visible in the outlook from No.15. Given its excessive size it would appear dominant in the outlook from both the dwelling and the outdoor living space.
7. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The visually overbearing impact of this garden office in such close proximity to adjoining properties would diminish the enjoyment of the residential living environment, particularly that of the outdoor amenity space, for the neighbouring occupiers and would harm the enjoyment the existing occupiers should reasonably expect to enjoy. The existing fences are not of sufficient height to obviate the harm that I have identified.
8. The garden office is to the north of 11 Perrin Road and, taking into account the orientation of the sun, would not cast overshadowing over the dwelling to the south. Some overshadowing of the garden of No.15 would take place but this would only be for a relatively short period of the day and when the sun is low in the sky. I do not consider overshadowing would be so substantial as to cause harm to the living conditions of existing neighbouring occupiers.
9. For those reasons set out further above in regard of outlook, I conclude that the proposed development would be harmful to the living conditions of the existing adjoining occupiers. The proposal would, therefore conflict with Policies DP2 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.

Character and appearance

10. Given the overall height and size of the garden office, it is clearly visible to surrounding occupiers and in views from public passageways in the vicinity. It is a visually prominent and dominant structure. Nonetheless, there are existing outbuildings and sheds of various designs, scale and size in the area that are visible in public views. I do not consider the appearance of the garden office to be substantially out of keeping in this context of existing residential garden furniture.
11. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area. The proposal would, therefore not conflict with Policies DP2 and DP7 of the Dartford Development Policies Plan and Policies M2 and M11 of the emerging Dartford Local Plan that seek development, amongst other matters, to be of good design.

Other Matters

12. I acknowledge that the site is not within a Conservation Area and there are no Listed buildings close by. The proposal would optimise and make effective use of the site. Whilst these are merits of the scheme, these matters do not outweigh the harm that I have identified above or justify the proposed development.
13. Planning permission has been granted for an outbuilding at 9 Perrins Road, although it is not clear whether the outbuilding I saw at the site and that is shown within the appellant's supporting photographs is one and the same building. It is advised that the Council considered the low height of the

outbuilding combined with the existing boundary treatment would ensure residential living conditions would not be compromised. The proposal before me is taller than that outbuilding, even if not by much. The photographs provided in support of the appeal illustrate the proposal to be visibly prominent above the existing fences. I saw this to be the case at my visit. On the individual considerations of this case I have found the development would be harmful to the living conditions of the existing adjoining occupiers.

14. My attention has also been drawn to permissions for outbuildings at 144 Swaisland Road, 228 Dartford Road and 5 Southfield Court, Green Lane. However, the information provided shows these to be locations elsewhere within Dartford and those developments appear to relate to dwellings with longer rear gardens. Whilst the proposals may have related to the same type of development as proposed here, the acceptability of those other developments will depend on the individual circumstances of those sites. Therefore, they can and should be considered on their own individual merits.

Conclusion

15. Whilst I have found in favour of the appellant in terms of the effect on the second main issue, this does not overcome the identified harm in relation to the first main issue.
16. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR