



Appeal Decision

Site visit made on 14 February 2024

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH February 2027

Appeal Ref: APP/T2215/D/23/3333007

43 Clarendon Gardens, Dartford DA2 6EY

- 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 Nicky Bennett against the decision of Dartford Borough Council.
 - The application Ref DA/23/00868/FUL, dated 20 July 2023, was refused by notice dated 14 September 2023.
 - The development proposed is the demolition of an existing garage, carport, pool enclosure and outbuildings, the construction of a two storey side/rear extension and single storey rear extension and associated alterations.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - The effect on the character and appearance of the host dwelling and locality.
 - The effect on the living conditions of the occupiers of the adjacent dwelling at 45 Clarendon Gardens, with regard to whether the development would appear overbearing and overshadowing.

Reasons

3. The appeal concerns a two storey semi-detached dwelling. There are a number of single storey outbuildings covering a significant part of the back garden and mostly attached to the house. These would be removed giving a more open and less developed rear garden. The proposal would include a two storey side extension which would be angled and therefore widen to the rear, reflecting the shape of the garden. At the back a two storey flat roof addition would be built. Apart from the set back to the boundary with the attached dwelling at no. 41, this would span the remainder of the rear of the extended property. The Appellant indicates that it would project about 3.5m beyond the main rear wall and be 3.3m from the side boundary with no. 41.
4. This would therefore involve the introduction of a significant area of flat roof at an upper floor level. Unlike the flat roofed ground floor structures at the site, the noticeably more elevated position of this addition would put it in an

immediate juxtaposition with the main hipped and pitched roof. The unduly prominent flat roof would result in a particularly jarring contrast with the form of the main roof at the host dwelling and in relation to those of other properties in the vicinity that tend to have a similar form. Moreover, its detrimental and visually obtrusive impact would be readily appreciated in views from the allotments to the rear.

5. For the above reasons, it is concluded that the development would harm the character and appearance of the host dwelling and locality despite the noticeable reduction in the footprint of buildings. In consequence, the proposal would conflict with Policies DP2 and DP7 of the Dartford Development Policies Plan 2017 and Policies M1 and M11 of the emerging Dartford Local Plan. As well as other things, these policies intend that development should be of a good design that responds to, reinforces and enhances the positive aspects of a locality and is not visually obtrusive.
6. The proposal would result in a reduction in the amount of development next to the boundary with no. 45. However, the existing buildings in this position are single storey in height. Moreover, the proposal would result in a two storey flank wall noticeably closer than the existing property at this height. This would project beyond the back of the adjacent house to a significant extent in a position unduly close to the rear garden. In this situation the vertically rising flank wall of the addition would result in an unpleasant and oppressive sense of enclosure, while also causing an undue reduction in sunlight in the rear garden.
7. The neighbouring house is only angled fairly modestly away from the side boundary and the rear garden is not particularly wide. Consequently, matters such as the siting of the house and the size of the garden would not significantly mitigate the impact in relation to the amenity space from where the adverse effects would be most readily experienced.
8. In these circumstances the development would appear overbearing and result in undue overshadowing. It is therefore concluded that the living conditions of the occupiers of the adjacent dwelling would be harmed. As a result, there would be conflict with Policies DP5 and DP7 of the Dartford Development Policies Plan and Policies M2 and M11 of the emerging Dartford Local Plan. Among other things, these policies seek to prevent such adverse effects.
9. It is suggested that removal of the swimming pool in the main outbuilding would result in a reduction of noise at no. 41. However, there is nothing to show that the sound levels from the use of this are significantly above those which might reasonably be expected in conjunction with a residential property. There are windows in the outbuildings along both side boundaries enabling overlooking both to and from the back gardens at no. 41 and 45 so that the removal of these windows would be desirable. Nevertheless, this would be achieved in this instance at the unacceptable expense of the quality of the built environment, as well as the outlook and light levels at no. 45.
10. Taking account of all other matters raised and given the harm that would result, it is therefore determined that the appeal fails.

M Evans

INSPECTOR