



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: 28th February 2024

Appeal Ref: APP/T2215/D/24/3336514
65 Empire Walk, Greenhithe DA9 9FU

- 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 Cheryl Michelle, against the decision of Dartford Borough Council.
 - The application Ref DA/23/00997/FUL, dated 21 August 2023, was refused by notice dated 25 October 2023.
 - The development proposed is a first floor side extension and a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension and a single storey rear extension at 65 Empire Walk, Greenhithe DA9 9FU, in accordance with the terms of the application, Ref DA/23/00997/FUL, dated 21 August 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EW:65:JAWS:1, EW:65:JAWS:2, EW:65:JAWS:3, EW:65:JAWS:4, EW:65:JAWS:5, EW:65:JAWS:6, EW:65:JAWS:7 and EW:65:JAWS:8.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Main issue

2. The main issue in this appeal is the effect on the character and appearance of the host dwelling and locality.

Reasons

3. The appeal concerns a two storey end of terrace dwelling. Development in the vicinity is characterised by two and three storey terraced properties, with variation in ridge heights being a common feature. However, there are also nearby examples of fairly lengthy ridge lines spanning a number of dwellings at the same height without a step down.

4. Nevertheless, the proposed extension at first floor level above the garage to the side of the host dwelling would have its ridge below that of the main part. While the extent of the set down proposed is fairly modest, it would reflect others of a similarly limited extent in the vicinity. The extension would have a relatively narrow width across the front by comparison to that of the two storey part of the existing property. As a result of the lower ridge and its size, this addition would be subservient to the host dwelling.
5. Garages nearby are found in a variety of situations. These include a double garage at the end of a terrace and a single garage that is between two and three storey properties adjoining to the sides. There are also examples of integral garages with one and two floors above. The additional floor above the garage would be consistent with this pattern of development and not be an unusual feature.
6. Due to these factors, the extension would not be prominent or obtrusive, with the visual interest found in the streetscene being maintained rather than diminished. For the above reasons, it is concluded that there would be no harm to the character and appearance of the host dwelling and locality.
7. As a result, the proposal would comply 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.
8. The Council refers to the supporting text to Policy DP7, where it is indicated that two storey side extensions should be set back at least 0.45m from the existing building at the front. In this instance the dimension would be 0.4m. However, this is not part of the policy itself and its purpose of achieving subservience would be met anyway. Such a fairly minimal shortfall would not justify rejecting the proposal given the above considerations and absence of any detrimental effect.
9. Matters such as the position of the upper floor addition and its distance from them would prevent any adverse effect in respect of light levels or privacy at neighbouring properties. The fairly modest height of the single storey rear extension would prevent any detrimental impact from this part. The generalised concern raised by a neighbour regarding the structural effect of the foundations of the ground floor extension at an adjoining dwelling would not justify rejection of the appeal.
10. Taking account of all other matters raised, given the absence of any harm it is determined that the appeal succeeds. A condition specifying the approved plans is necessary to provide certainty. The facing materials used should match those of the existing dwelling in order to protect its appearance.

M Evans

INSPECTOR