



Appeal Decision

Site visit made on 16 March 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 10th April 2024

Appeal Ref: APP/T2215/W/23/3327602

83 Birchwood Road Wilmington DA2 7HQ

- 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 Turan Karamanoglu (Forward Architecture Ltd) against the decision of Dartford Borough Council.
 - The application Ref 23/00240/FUL, is dated 1 March 2023.
 - The development proposed is described as the 'Raising height of roof, erection of a part one/part two storey front, side and rear extension and provision of a rear dormer in connection with providing additional room in the roof space.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note discussion in the Council's Statement of Case (SoC) that they are in the process of adopting a new Dartford Local Plan (NDLP). The NDLP has been examined, and the Inspector has found the plan sound subject to modifications. In my application of paragraph 48 of the National Planning Policy Framework (the Framework), whilst the NDLP is not part of the adopted development plan, it is at an advanced stage in the adoption process, and according to the Council there have been no modifications made to the NDLP policies which they rely on as part of this appeal. In my opinion the emerging policies would appear to be consistent with the Framework and are only awaiting adoption by the Council subject to these modifications. The Appellant has had the opportunity to comment on the policies of the NDLP. Based upon this, I will afford the NDLP policies in question in this appeal full weight in this appeal decision.

Background and Main Issues

3. The appeal was made prior to the Council's determination of the application. Following the submission of the appeal, the Council issued a Statement of Case for the application indicating that had they determined the application, they would have recommended refusal of the application on two grounds: (1) *'The proposal, due to its scale, mass, bulk, form, design and prominence, would introduce an intrusive and dominant roof form and building within the street scene, which would detract significantly from the character and appearance of the host dwelling and the surrounding area.'* The relevant policies are stated in the SoC as being DP2 and DP7 of the adopted Dartford Development Policies Plan (2017) (DDP) and Policies M1, M2 and M11 of the NDLP. An additional ground (2) suggested by the Council is that *'the proposal would result in a harmful impact to the residential amenities of the adjacent dwelling No.81*

Birchwood Road in terms of an overbearing and overshadowing impact.' The relevant policies stated in the SoC as being Policies DP2 and DP7 of the adopted DDP and Policies M1, M2 and M11 of the NDLP.

4. On this basis, the main issues are the effect of the development upon:
 - The character and appearance of the existing dwelling and the greater locality; and
 - The living conditions of No.81 Birchwood Road, with particular regard to sense of enclosure and access to light.

Reasons

Character and Appearance

5. In determining applications involving character and appearance, DDP Policies 2 and 7, and NDLP Policy M1 list a number of design principles to consider such as responding to reinforcing and enhancing positive aspects, have regard to context, character and sense of place, height, massing, legibility, identity, public realm and landscape, amongst others. Additionally, NDLP Policy M11 is specific to extensions and new dwellings and seeks that development achieve a satisfactory quality of development that does not erode the local character of the locality.
6. The appeal site is part of a larger housing development which appears to have been constructed in the mid-twentieth century that consists of a number of larger plots with detached dwellings between the two main spine roads of Birchwood Road and Joydens Wood Road. Dwellings have a mixed form and groupings of character, design and appearance, however there are common elements such as dwellings being typically two storeys, larger plots with boundary wall and hedging among common features. There is an emphasis on spaces in and around the dwellings, with views between dwellings to the tops of trees in rear gardens. These elements, amongst others make up the local character and distinctiveness of this locality.
7. The appeal site is a detached dwelling which is experienced with No.s 81-89 (odd) all of which have positioning that follows the curvature of the road where each of the dwellings are stepped back from each other. The appeal site contains a gambrel roof with the pitch of the roof fronting the street with accommodation within the roof space. The appeal site is setback from the street with vegetation and a front lawn with spaces in and around the dwelling along with glimpses to the tops of trees to the rear providing positive attributes that contribute to the character and appearance of the area.
8. I appreciate explanations as to the design approach from the Appellant's Statement of Case (SoC) which looks to amend and address some of the previous concerns from a previously refused application¹. I also agree with the Appellant's SoC that being different does not equate to a development resulting in material harm, and that there is a mix of characters, however considerations need to be in accordance with the policies of the Development Plan unless any material considerations indicate otherwise. The proposal would extend the dwelling in terms of its width, design, depth and height, to the point that the existing dwelling would be unrecognisable. This is not to say that a new

¹ Council Planning Ref: 21/01850/FUL

- dwelling in this location would not be appropriate, however the increased bulk, reduced front setback, loss of spaciousness, increased height with elongated ridge and overall visual bulk and massing of the proposal is problematic.
9. The proposed building would be much taller than the existing dwelling and would also be taller than the adjacent dwellings as seen on the proposed elevation plans. This combined with the increased massing where two storey components come close to either side boundary, along with the forward projection of the dwelling which reduces the characteristic staggering of the dwellings, considerably reduces the spaces in and around the dwelling which is an important characteristic of dwellings within the street scene.
 10. I note discussion in the Appellant's SoC with regards to No.91 Birchwood Road, which has also secured planning permission² for what the Appellant considers to be similar works as proposed. However this scheme would appear to have maintained the inherent building line, maintain the setbacks to side boundaries with the spaces in and around the dwelling being maintained, and with a more proportionate design and form which does not have large expanses of crown roof. As such, the submitted planning approval does not demonstrate precedence and carry limited weight in demonstrating the appropriateness of the appeal scheme.
 11. Instead of matching the positioning, scale and form of the existing dwelling and dwellings within the street scene, the proposed development would be overly large and bulky and would be a much more prominent form within the street scene that reduces the spaces in and around the dwelling. Cumulatively, the proposal could not be seen as a positive architectural response that would be an appropriate addition to the existing street scene.
 12. In conclusion of this matter, the proposed development would result in the loss of positive characteristics and would be clearly disproportionate and the additional visual bulk and massing would be unlike other dwellings constructed within the immediate vicinity. Consequently, the proposal would be harmful to the character and appearance and local distinctiveness of the locality and be contrary to Policies DP2 and DP7 of the DDP and Policies M1 and M11 of NDLP.
 13. I note that in the Council's SoC that NDLP Policy M2 is referred to which is associated with environmental and amenity protection. As this policy does not appear to deal with character and appearance, it has not been considered relevant to this matter.

Living Conditions

14. DDP Policy DP2 and NDLP Policies M2 and M11 seek that new development not cause harm to living conditions as a result of access to light and sense of enclosure.
15. Beginning with access to light, No. 81 Birchwood Road is positioned forward of the appeal site and therefore its rear garden directly behind the dwelling is adjacent to the main component of the appeal dwelling. Given the positioning of the sun, the appeal dwelling would cause some overshadowing of No.81's rear garden in the afternoon. I agree that there would be some overshadowing, however the neighbouring dwelling still receives a sufficient amount of sunlight, particularly during the morning hours with a large portion of the garden being

² Council Planning Ref: DA/22/01252/FUL

unaffected. Whilst there will be some overshadowing caused and a difference from existing to proposed, I do not consider the loss of light from overshadowing to cause significant detriment to the living conditions of the neighbouring property at No.81.

16. Turning to the sense of enclosure, the further rearward projection of the proposed dwelling in two storey and single storey form would contain a large flank wall close to the boundary with No.81. Whilst I appreciate comments in the Appellant's SoC that the setback from the boundary has been increased, the proposed building and existing would be similar; the proposed wall would be taller as the proposal has taller eaves, together with the two storey projection towards the rear and forward which would give a very large and unbroken two storey wall that would have a much greater perception of massing and visual bulk than as currently experienced. Currently there is no built form to the front and rear of the appeal building which enables gaps in and around dwellings, however this would be removed as a result of the proposal, which causes an increased presence of the proposed building to this neighbouring property. Whilst the garden is quite large, the changes from existing to proposed are significant in that the increased visual massing and bulk would cause detriment to the living conditions of No.81.
17. In conclusion of this matter, whilst I agree that there would be no detrimental loss of access to light from the proposed development, this would not outweigh the harm caused as a result of sense of enclosure as a result of the increased bulk and massing of the proposed development. As such the proposal would be detrimental towards living conditions, and contrary to DDP Policy DP2 and NDLP Policies M2 and M11 as described previously.
18. I note reference in the Council's SoC to DDP Policy DP7 and NDLP Policy M1, however these are design led policies that do not appear to be associated with the consideration regarding living conditions. As such I have not considered these policies in association with this matter.

Conclusion

19. Whilst I have agreed with the appellant with regards to access to light, when taken as a whole, this is not sufficient to override the harm caused towards the character and appearance of the building and locality, and the harm towards living conditions as a result of sense of enclosure. As such I conclude that the appeal is dismissed.

J Somers

INSPECTOR