



Appeal Decision

Site visit made on 27 March 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal Ref: APP/T2215/W/23/3328770

1 Orchard Lea, Westwood Road, Southfleet, Kent DA13 9LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Foley against the decision of Dartford Borough Council.
 - The application Ref is 22/01389/OUT.
 - The development proposed is described on the application form as 'Outline application including details of layout and access relating to demolition of 1 No. outbuilding and the erection of a detached dwelling (matters relating to appearance, landscaping and scale reserved for future consideration) with associated parking and access for both the existing and proposed dwelling.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in December 2023. This does not materially change the planning policy context in respect of the main issues.
3. The planning application was submitted in outline with some matters reserved. I have had regard to the submitted plans but have regarded all elements of these drawings as indicative, apart from layout and access.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for housing, having particular regard to the accessibility of services and facilities;
 - the effect of the proposed development on the character and appearance of the area;
 - the impact on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and privacy; and
 - whether a satisfactory standard of accommodation would be provided for future occupants, with particular regard to external amenity space.

Reasons

Appropriateness of location

5. The appeal site comprises a parcel of land positioned amongst a number of established residential properties within Betsham. From that perspective, it could not reasonably be described as isolated. However, there are very limited facilities and services within Betsham with the majority of day-to-day requirements provided further afield, by several miles. From that perspective, the site could reasonably be described as remote from services and facilities and future occupiers of the proposed development would, in all likelihood, depend on private vehicles for most of their day-to-day needs. I accept that a bus stop exists near to the site, providing links to settlements such as Southfleet and Longfield. However, those services are extremely limited and could not, in my view, be relied on. Whilst the proposed development has the potential to support that service, private car would likely be the preferred option here.
6. My attention has been brought to a previously approved scheme at Woodlawn¹. The appellant sets out that there is no overall difference between that site and the appeal site in respect of accessibility. Although I do not have the evidence that was presented for that previous case before me, the appellant has provided me with some information.
7. Based on the information submitted, I accept that some distances to services between the sites are similar. However, the circumstances at Woodlawn are not directly comparable with the scheme before me. Unlike the appeal site, Woodlawn appears to benefit from multiple walking routes which would allow the occupiers of Woodlawn to access services and facilities other than by private vehicle. In order to access those same services from the appeal site (if not by the irregular bus service), individuals would need to proceed by foot or cycle along narrow roads with no dedicated footways, substantial verges or consistent street lighting. This would be particularly undesirable in winter months, after dusk or during inclement weather conditions. These routes are not sufficient to rely on. Moreover, the regularity of bus service may not be the same for both sites.
8. Paragraph 109 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, in this location, the occupants of the proposed dwelling would be highly reliant on the use of private vehicles to access most services and facilities due to a lack of satisfactory cycling and walking routes and a lack of reliable public transport facilities.
9. Consequently, the proposed development would be positioned within an unsuitable location for housing, contrary to the relevant provisions of Policy DP6 of the Dartford Development Policies Plan (DPP, 2017) and Policies CS1 and CS10 of the Dartford Core Strategy (2011). These policies, in summary, seek to ensure development is sustainably located. This is in a similar vein to the objectives of the Framework insofar as good design and the promotion of sustainable transport is concerned, as well as emerging Policy M9.

¹ APP/T2215/W/20/3246975

Character and appearance

10. The appeal site is located within Betsham Area of Special Residential Character. The associated Betsham Area of Special Residential Character Appraisal (the Appraisal, 2000) describes, in brief, the character of the village. In particular, it makes reference to open gardens and the overall character being that of a quiet village.
11. DPP Policy DP7 makes specific reference to development on garden land. It seeks to promote choice and diversity in the stock of housing and gardens in the borough and to avoid the erosion of local character, including in respect of the historical pattern and form of development.
12. While I accept that a sense of separation currently exists between 1 Orchard Lea and Budleigh House, and that this would change as a result of the proposed development, the 1 Orchard Lea plot is unusually large relative to surrounding plots and is not made up, wholly, of landscaped or actively used garden land. Rather a separate parking area consisting of hard landscaping dominates the front of the site. Moreover, a gap in built form is only readily apparent when viewed in close proximity and only to a very limited extent when approaching from the east or west. I do not consider the existing gap to form a particularly defining feature or to contribute, in any meaningful way, to the character or appearance of the site or surrounding village.
13. I am of the view that an appropriately sized garden would be retained at 1 Orchard Lea as a result of the proposed development, without undermining the objectives of DPP Policy DP7. Access to and from the proposed development would be directly from the existing street network, ensuring that the development blended in with established built form. Matters of detailed appearance would be dealt with at the reserved matters stage.
14. Overall, I do not consider that the proposed development would be inappropriate in this location, and would comply with the relevant provisions of DPP Policies DP2 and DP7, which in summary seek to ensure high quality design in development, which responds to and reinforces positive aspects of the locality, and which seeks to protect a range of garden and housing stock. This is in a similar vein to emerging Policies M1 and M11, and the Appraisal.

Living conditions of neighbouring occupiers

15. I accept that the relationship between the appeal site and the immediately surrounding properties would change as a result of the proposed development, introducing built form where there is presently none, and including the potential for windows at elevated positions. However, I am satisfied from the evidence before me that the proposed development would not be positioned so close to those neighbouring properties as to result in any harmful overlooking of amenity space or internal rooms. Similarly, the proposed position of the property and the separation distances that would exist between it and nearby established properties is such that there would be no harmful loss of outlook.
16. Overall, I conclude that the proposed development would have an acceptable effect on the living conditions of the occupants of neighbouring properties, in compliance with the relevant provisions of DPP Policy DP5. This policy, in summary, seeks to secure the amenities of occupants, including in respect of privacy. This is in a similar vein to the provisions of emerging Policy M2.

Standard of accommodation

17. DPP Policy DM8 sets out that new residential development should provide good quality living accommodation and outdoor space. It goes on to state that houses should be set within commensurately sized gardens, allowing the provision of soft landscaping, trees, urban green habitats and breaks between houses.
18. Based on the plans before me, I consider that a sufficiently sized, useable garden space would be provided for the use by occupiers of the proposed dwelling, even if this was atypical in layout. Whilst the garden area may experience some overlooking from the upper floors of nearby residential properties, this would not be unacceptable in this relatively built-up location, where similar such arrangements exist.
19. Overall, the proposed development would provide an acceptable standard of accommodation for future occupants, with particular regard to outdoor space, in accordance with the relevant provisions of DPP Policy DP8. This policy, in summary, seeks to secure appropriate standards of accommodation for future occupants, including in respect of outdoor space. This is in a similar vein to the relevant provisions of emerging Policy M10 and the Framework insofar as living conditions are concerned.

Other Matters

20. The proposed development would represent a contribution of one additional dwelling to the borough's housing supply and would make efficient use of a small site. There, too, would be some social and economic benefits of the proposed development, including in supporting employment during construction and the bringing of trade to nearby services and facilities upon completion. However, these benefits and the contribution to housing supply in the borough would inevitably be limited given the limited scale and nature of the development proposed. These matters do not, therefore, outweigh the harm that has been identified or lead me to an alternative conclusion.
21. I accept that there are no objections from a transport perspective or in respect of noise or disturbance. However, these are not matters in dispute between the parties and do not lead me to an alternative conclusion on the main issues.
22. I accept that landscaping could be improved as a result of the proposed development, and controlled by condition. However, I am of the view that the enhancement of landscaping across the site is not wholly dependent on the specific scheme before me or the wider redevelopment of the site.
23. My attention is drawn to the development of the former Colyers Arms site, understood to be opposite the appeal site. However, I have limited detail of that development before me, and the planning balance there, to draw any meaningful comparisons with the appeal scheme.

Conclusion

24. For the reasons given above, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price INSPECTOR