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# Appeal Decision

Site visit made on 16 April 2024

**by A Price BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 May 2024.**

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**Appeal Ref: APP/T2215/W/23/3325686**

**52-62 Kent Road, Dartford, DA1 2FJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mrs L Aigbogun of Viclin Property Limited against the decision of Dartford Borough Council.
  - The application Ref is DA/23/00482/FUL.
  - The development proposed is described on the application form as 'use of a gym as a studio living unit'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, the proposed development would be better described as the change of use of gym to studio living unit with additional window in east elevation. The Council considered the scheme on that basis and so shall I.
3. 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.
4. Since the appeal was submitted, the Council has confirmed that it no longer wishes to defend its reason for refusal relating to flood risk. I will therefore make no further reference to this matter.

## Main Issues

5. The main issues are:
  - whether a satisfactory standard of accommodation would be provided to future occupants; and
  - the effect of the proposed development on highway safety.

## Reasons

### *Standard of accommodation*

6. The submitted documents indicate a studio dwelling over one floor. Table 1 of the Nationally Described Space Standard (NDSS) requires that 1 bedroom, 1 person dwellings over a single storey should measure at least 39 square

metres (sqm), where it is served by a bathroom. This reduces to a minimum of 37sqm where there is a shower room instead of a bathroom.

7. It is set out that the proposed studio unit would measure 25.7 sqm. Accordingly, the proposed development would fail to meet the NDSS, falling substantially below the minimum space standard for a 1 bedroom, 1 person studio. On this basis, the unit would form a cramped and unpleasant environment for future occupants.
8. I accept that the caveat within Policy DP8 of the Dartford Development Policies Plan (DPP, 2017) which sets out that such standards should be met unless clearly shown to be unnecessary or unviable due to site specific circumstances. However, there is no indication that the existing unit was ever designed to form habitable accommodation. Whilst the enclosed floorspace comprising the former gym already exists, and has done for some time, there are no exceptional circumstances before me which would lead me to change my conclusion on this main issue.
9. No outdoor amenity space would be provided as part of the proposed development. I note that this is not unusual for the wider residential development within which the appeal site lies. However, this in combination with the matters discussed above, adds to the substandard accommodation proposed here.
10. I have no substantive evidence before me to demonstrate that future occupants would suffer from harmful levels of noise and disturbance, positioned within an established residential area. Nevertheless, the lack of harm in this respect does not overcome or outweigh the harm identified above.
11. I have noted the arguments set out by the appellant, including that anyone wishing to occupy the proposed studio would be doing so through choice, that certain internal fittings would be foldable and that an internal pocket door is proposed. However, these matters do not change that an unsatisfactory standard of accommodation is proposed. Even if those internal features were, as alluded to, for the benefit of space saving, and was considered to be acceptable, there is no method of controlling this in perpetuity.
12. Overall, I conclude that the proposed development would fail to provide a satisfactory standard of accommodation for future occupants, contrary to DPP Policy DP8, which in summary seeks to ensure that new residential development is of an appropriate standard, including in respect of internal space standards. This is in a similar vein to the relevant provisions of emerging Policy M10 of the draft local plan, and the NDSS.

#### *Highway safety*

13. The Council's Parking Standards Supplementary Planning Document (the SPD, 2012) sets out that 1 parking space per home is required in this location in the borough. The SPD also sets out the recommended dimensions of parking spaces as 5.5 metres by 2.9 metres in the case of garage spaces.
14. The proposed development would provide a single parking space within an undercroft, tantamount to a garage space, which would measure approximately 5.2 metres by 2.3 metres.

15. Based on the evidence before me, and from what I saw on site, I accept that the access to the proposed space is tight. However, I observed that several public car parks and on-street parking facilities exist within the immediate area, such that alternative parking facilities would likely be available to future occupants. Moreover, the appeal site is positioned in a highly sustainable location in the town centre, within a short walking distance from its main shopping streets. In any case, there is no substantive evidence before me to demonstrate that the lack of an adequate parking space would automatically result in harm to highway safety.
16. Overall, I conclude that in this particular case, the proposed development would not harm highway safety, in accordance with the relevant provisions of DPP Policy DP4, which in summary seeks to promote sustainable transport and highway safety. This is in a similar vein to the provisions of emerging Policy M17, and the SPD.

### **Other Matters**

17. I note the appellant's comments in respect of drainage, light, ventilation and design. I also accept that the building is of sound construction and is positioned within a sustainable location. However, these are not matters in dispute between the main parties and do not lead me to an alternative conclusion on the main issues.
18. That the proposed development would meet Building Regulations requirements does not change my conclusion as this forms separate legislation.
19. The appellant argues that the existing unit is not capable of being used for an alternative use that would benefit the local community. However, I have no evidence before me to demonstrate that the scheme before me is the only use possible.

### **Conclusion**

20. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*A Price*

INSPECTOR