



Appeal Decision

Site visit made on 23 July 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/T2215/W/23/3329185

5 Henslow Crescent, Dartford, Kent DA1 5RH

- 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 Mr Ashraf against the decision of Dartford Borough Council.
 - The application Ref is DA/23/00553/COU.
 - The development is described as 'change of use of land to allow new off road car parking space'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to allow new off road car parking space at 5 Henslow Crescent, Dartford, Kent DA1 5RH in accordance with the terms of the application, Ref DA/23/00553/COU, and the plans submitted with it, subject to the following condition:
 - 1) The car parking space and means of access shown on the approved plans shall be kept available for such use at all times and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), shall be carried out on that area of land or to preclude vehicular access thereto.

Preliminary Matters

2. The development has been carried out and therefore I am considering the appeal retrospectively. The works I observed on site appeared consistent with the details shown on the plans.
3. The Dartford Local Plan to 2037 (DLP) was under examination at the time of the Council's decision and relevant emerging policies were referred to in the reason for refusal. The DLP was adopted in April 2024, while this appeal was under consideration. The Council has confirmed that policies in the Dartford Development Policies Plan 2017 have been superseded, and that the relevant policies in the DLP are now numbered M1 and M10. The relevant requirements in the adopted policies are not materially different to the pre-submission versions and the appellant has had the opportunity to comment. I have had regard to the adopted development plan when determining the appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site includes a semi-detached house attached to its neighbour by a pair of car ports, with an enclosed back garden and a driveway to one side. The driveway is surfaced with block paving and enclosed by a low post and rail fence and young shrubs. The adjacent area of grass is enclosed by a similar low fence.
6. The area now occupied by the driveway was originally part of the planned public amenity space within this fairly recently constructed housing estate. The appeal site still adjoins a soft landscaped and publicly accessible area, which includes the fenced area of grass, a clump of large trees, and a path through a more extensive vegetated area at the rear. There are several other soft landscaped areas of various sizes throughout the estate. Collectively this network of open green spaces contributes positively to the character and appearance of the area, providing a diverse range of landscaped areas, suitable for active use as well as passive enjoyment.
7. The single parking space and hardstanding is directly adjacent to the flank wall of the dwelling and does not significantly erode the overall amount of green space in this part of the estate. It is enclosed by low fencing like the adjacent grassed area and surfaced in block paving similar to the adjacent street. The layout relates logically to the position of the dwelling and is not obviously unplanned or intrinsically visually harmful.
8. There was a continuous row of parked cars in front of the grassed area at the time of my site visit, as was the case in several other locations throughout the public realm. In the original layout, a car could be parked in front of the area where the driveway has now been formed. Therefore, the green spaces as originally conceived would always have been seen in conjunction with parked vehicles in the foreground. That being the case, the presence of a parked vehicle in a slightly different position has very limited effect on the available views of the soft landscaping.
9. Although there is an area tree preservation order covering the site, no evidence has been cited of any harm to existing or pre-existing trees. The nearby trees continue to provide a substantial and verdant backdrop, which is not undermined by the development. The grassed area remains generous in size and capable of providing a useful public open space for occupiers of the surrounding dwellings. The change in the appearance of the area is slight and does not undermine the local distinctiveness provided by the substantial network of soft landscaped spaces.
10. For the reasons given above, I conclude that the development is not harmful to the character and appearance of the area. It does not conflict with relevant requirements in Policies M1 and M10 of the DLP, which include that alterations to dwellings must retain or enhance the character, local environment and amenity of established residential areas and that a design-led approach should be followed to development more generally, to provide spacious, green and good quality developments.

Other Matters

11. The estate has a varied layout, both in terms of the scale and design of the housing and the way in which each cluster of dwellings relates to the soft

landscaped areas. Although there are other corner properties, this varied layout means that an exactly equivalent relationship is unlikely to be repeated between the layout of on-street parking, the extent and function of soft landscaping and the position and orientation of an adjacent dwelling. That being the case, any future proposal could be considered on its merits and there is no substantive evidence that allowing this particular development would trigger a wholesale or harmful erosion of the network of soft landscaped spaces.

Conditions

12. I have had regard to the conditions suggested by the Council and have considered these against advice in the National Planning Policy Framework 2023 (the Framework) and Planning Practice Guidance.
13. The application drawings form part of the application. In this particular case a condition to secure compliance with them is not necessary, since the development has already been carried out.
14. I am mindful that the Framework advises against removing permitted development rights unless there is clear justification for doing so. In this case, the development includes change of use of the land, increasing the area within which permitted development rights for alterations to a dwelling may be considered to be applicable. The land in question is also more exposed to public view than garden land elsewhere in the estate. While I have concluded that use of the additional land as a driveway is not visually harmful, the introduction of garden sheds or similar domestic structures, or the further enclosure of the land, could be harmfully intrusive.
15. I have therefore imposed the condition suggested by the Council, which would prevent such alterations from being implemented without further consideration. I have amended the wording to include reference to any future modifications to the Town and Country Planning (General Permitted Development) (England) Order 2015, in the interests of precision and clarity.

Conclusion

16. For the reasons given above the appeal should be allowed.

Jane Smith

INSPECTOR