
Appeal Decision

Site visit made on 25 July 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/T2215/D/24/3339772

36 Birchwood Road, Wilmington, Kent DA2 7HE

- 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 Steve Boyt against the decision of Dartford Borough Council.
 - The application reference is DA/23/01457/FUL.
 - The development proposed is for a single storey rear extension, two storey side extension, front extension, roof alterations including new habitable rooms within loft space and new detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension, two storey side extension, front extension, roof alterations including new habitable rooms within loft space and new detached garage at 36 Birchwood Road, Wilmington, Kent DA2 7HE in accordance with the terms of the application reference DA/23/01457/FUL, subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: BL/DRG/1411.1/01, BL/DRG/1411.1/02, BL/DRG/1411.1/07, BL/DRG/1411.1/08, BL/DRG/1411.1/09, BL/DRG/1411.1/10, BL/DRG/1411.1/11, BL/DRG/1411.1/12.

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.

4) No development above slab level shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matter

2. Since the determination of the planning application the Council have adopted The Dartford Plan April 2024 (DP), whose policies supersede the Dartford Development Policies Plan 2017 referenced within the Decision Notice. I have therefore determined the appeal with the newly adopted policies in mind.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the property and surrounding area; and
 - the living conditions of the occupants of 34 Birchwood Road in respect of light and overbearing impact.

Reasons

Character and appearance

4. The appeal site comprises a two-storey, detached house with a large off-street parking area to the front, planted borders and a low level wall at the boundary with the footway.
5. At my site visit I walked along Birchwood Road from the junction with Birchwood Drive towards the appeal property and beyond. It is apparent that the dwelling is located in a row of houses which, in broad terms, have been heavily developed, with substantial, utilitarian buildings of deep plan form that fill much of the width of their plots allowing limited glimpses through to the rear. There is a wide variety of boundary treatments evident including walls, metal gates and railings and hedgerows. Many plots contain extensive hardstandings and sizeable detached front garages.
6. I note the comments of the Council's Urban Design Officer. However, within the context outlined above, I am of the view that the proposals would assimilate into the street scene. The increases in height, width and overall mass would be broadly commensurate with other residences locally, and the gable features, attic accommodation and crowned roof are also replicated elsewhere such that they would not appear incongruous.
7. I acknowledge that the proposed front extension would project marginally forward beyond the building line of several other properties in the row, nevertheless front elevations within the vicinity are somewhat staggered in nature and as such I do not equate any demonstrable harm to this point.
8. The Council's delegated report does not appear to raise objection to the detached garage, and I have no reason to disagree. It would be sited against the bulk of the existing garage to the front of no.34, and subject to landscaping conditions would not be deleterious to the setting.
9. I therefore conclude that the scheme would not result in detriment to the character and appearance of the property and the surrounding area. It would comply with Policies M1 and M10 of the DP, which expect new development to be of a high-quality design that reflects and respects the existing setting and local context.

Living conditions

10. The flank wall of the ground floor rear extension would lie some 2 metres from the common boundary with 34 Birchwood Road, which comprises a tall closeboard fence. I observed that the back garden of no.34 is wide and has a general feeling of spaciousness. With these factors in mind, whilst the depth of approximately 7.2 metres would be relatively large, given the low level form of the extension, the distance from the boundary and the intervening treatment I am satisfied that any overbearing effects would be only minimal.
11. The existing built arrangement between the appeal dwelling and the adjacent property would already cause a loss of light throughout most of the day to the rear windows, doors and patio area of no.34. The rear extension would be single storey in nature and therefore although there may be a period during the late afternoon when there would be some additional loss of light as the sun passes over, this would be limited and only for a brief time. Consequently, I consider that the appeal scheme would result in no adverse loss of daylight or sunlight above and over that which is presently experienced. In this context I find that the development would not be so unneighbourly as to warrant a refusal of planning permission on this ground.
12. Accordingly, the scheme would not have a material effect upon the living conditions of the occupants of 34 Birchwood Road in respect of light and overbearing impact. It would be compatible with Policies M1, M2 and M10 of the DP, which seek to ensure development does not materially harm amenity through loss of light and outlook.

Conditions

13. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty.
14. Conditions requiring external materials to match those on the existing dwelling would provide for a satisfactory appearance, together with details of soft landscaping.

Conclusion

15. Based on the above and all other issues, the appeal succeeds.

C Hall

INSPECTOR