
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/24/3341369

99 Shepherds Lane, Dartford, Kent DA1 2PA

- 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 Chennakesava Narsimha Bobby Pendyala against the decision of Dartford Borough Council.
 - The application reference is DA/23/01475/FUL.
 - The development proposed is for the erection of two storey side and a single storey rear extensions.
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Decision

1. The appeal is dismissed.

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 Core Strategy 2011 and 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 a) the character and appearance of the existing dwelling and local area; and b) the living conditions of the occupiers of neighbouring houses in respect of light, outlook and overbearing impact.

Reasons

Character and appearance

4. The appeal site consists of a two-storey house with off-street parking on the driveway to the front. It forms part of a group of semi-detached properties on Shepherds Lane with prominent projecting gable features and bay windows. At my site visit I observed that the adjoining semi at 101 Shepherds Lane has a two-storey side extension that extends to the flank boundary at ground and first floor level. Its appearance and detailing assimilates with the host dwelling and the street scene.
 5. Conversely, the appeal scheme before me incorporates a jettying first floor element over an open ground floor passageway running along the side border, supported by posts. This would result in an awkward and incongruous design solution, the posts would appear flimsy in the general context of the setting.
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6. Furthermore, the fenestration within the front elevation would be poorly aligned, with the ground floor openings offset from the first floor window above, thus causing a harmful imbalance in the appearance of the scheme. Overall, to my mind the development would lack architectural subtlety, and this would be detrimental to the visual quality of the streetscene on this side of Shepherds Lane.
7. Elsewhere, I consider that the height, mass, scale and orientation of the proposals would be broadly consistent with the host residence and neighbourhood. Whilst the roof would not be subservient to the main property, this would replicate the design of no.101 and would not therefore appear discordant. However, such matters do not outweigh the harm I have identified above.
8. I am mindful that the house, neighbouring built forms and surrounding area are not designated heritage assets. In relation to landscape features, the appeal proposal would not result in a loss of such features. Additionally, the use of external materials and joinery details to match the existing building would reflect the urban grain of the locality. Nonetheless, the scheme remains unacceptable for the reasons outlined previously.
9. I therefore conclude that the scheme would be injurious to the character and appearance of the existing dwelling and local area. It would contravene Policies M1 and M10 of the DP, which expect new development to be of a high-quality design that reflects and respects the existing character, setting and local context.

Living conditions

10. The first floor bedroom window in the flank elevation of no.97 currently benefits from views in a broadly southerly direction towards the rear garden scene of nearby residences. The window is a source of light and outlook from the bedroom, which is deemed to be a habitable area.
11. Due to the height and close proximity of the appeal proposal relative to the window, the views would be impeded by a blank side wall approximately 3 metres away. I also have no robust evidence, for example in the form of BRE compliant report, to ratify that light levels would not be materially reduced. As such, the development would result in an constrained environment for the occupants of the room, materially worse than the existing situation, and would have a harmful impact upon their living conditions.
12. At the back, the proposed single-storey element would project outwards by approximately 4.7 metres from the rear wall of the main house, and with its flank elevation lying on the boundary with 101 Shepherds Lane.
13. The development would be substantially higher than the existing boundary fence. Taken together with the significant rearward projection and close proximity relative to the adjoining property, I consider that it would result in harm to the living conditions of the residents of no.101. It would appear oppressive and overbearing when viewed from the facing openings in the ground floor and the patio area.
14. Given the relationship between built form there is also the potential for loss of light to the patio area and internal accommodation within the same ground floor rooms of no.101, particularly in the morning. In the absence of any

convincing verification, it is not possible to confirm whether the neighbouring property would suffer a loss of light, and as such I cannot be certain that the living conditions of occupiers therein would be materially affected.

15. I find that the development would be deleterious to the the living conditions of the occupiers of neighbouring houses in respect of light, outlook and overbearing impact. It would run contrary to Policies M1, M2 and M10 of the DP, which aim to ensure that schemes do not materially harm existing residential amenity.

Conclusion

16. Given the above and all other factors raised, I dismiss the appeal.

C Hall

INSPECTOR