

Appeal Decision

Site visit made on 21 August 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/T2215/W/23/3332873

51 Larch Road, Dartford, Kent DA1 2LF

- 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 & Mrs Adisa against the decision of Dartford Borough Council.
 - The application Ref is DA/23/00911/FUL.
 - The development proposed was originally described as retrospective application for a change of use from single-family dwelling to 4 self-contained dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023 the National Planning Policy Framework (the Framework) was revised. The main parties have had the opportunity to comment on any implications of the revised Framework within the appeal timetable.
3. The Council's decision notice refers to certain policies of the development plan and an emerging plan. Following the adoption of the Dartford Local Plan in April 2024 (DLP), the Council's submissions indicate which policies are no longer relevant to the appeal and identify the relevant policies of the newly adopted plan. I have been provided with copies of these policies. The appellant has had an opportunity to respond to this matter in their final comments. I have therefore determined the appeal in accordance with up-to-date policies.

Main Issues

4. The main issues are:
 - whether the proposal would provide acceptable parking arrangements;
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal space standards and private amenity space; and
 - the effect of the proposal upon the character and appearance of the area.

Reasons

Parking

5. Although the appellant states that three spaces are proposed, the application form and site plan indicate four spaces, and the site location plan indicates three spaces. Both the site location plan and site plan indicate no clearance to

the shared boundary of the adjoining property, whose frontage is also open. For these reasons I am not satisfied that it has been demonstrated that the proposal would accommodate three parking spaces of a sufficient size to enable clearance and/or not overhang the highway. In any event, the appellant accepts that the proposal would be short of the six spaces required to meet the standards within the Council's Parking Standards Supplementary Planning Document 2012.

6. Parking within frontages is not uncommon in the area. The appellant accepts that on-street parking within 200m of the appeal site is at near capacity and there is competition for on-street parking spaces in the area. I find no reason to consider otherwise. My observations indicate that the section of Larch Road in front of the appeal site includes parking restrictions in the form of double yellow lines. The road narrows as it runs towards Olive Road along the boundary of the appeal site, such there is no footway to one side of this section, along the side boundary of the appeal site.
7. Consequently, it seems to me that the immediate area is not well suited to on-street parking, and there is potential for conflict between road users and pedestrians as vehicles try to navigate this particular section of the highway and access on and off- street spaces. Further competition for parking spaces could arise from the development, resulting in an inconvenience for existing residents in the area, and increased risks of obstruction and/or conflicts between road users and pedestrians.
8. Due to the accessible location of the site and the size of the units, the appellant considers that the units would be attractive to those without a vehicle. Further, that this would encourage the use of more sustainable transport modes, which is supported by the Framework. In such circumstances, the appellant considers that three spaces would be sufficient. However, there is no proposed mechanism before me to secure the limited use of the spaces by occupiers of the proposed development.
9. Drawing all of the above together, I conclude that the proposal would not provide suitable arrangements for parking. It conflicts with DLP Policies M1 and M16, which seek to ensure that development is of good design, in accordance with relevant standards, and minimises adverse effects from travel and movement issues arising from development.

Living conditions

10. The main parties are in dispute concerning the size of the proposed units of accommodation. In any event, the appellant acknowledges that the units range from 30-33m² and are 4-7m² short of the minimum requirements of the *Technical housing standards – nationally described space standard*. The fact that the proposed units would have a dual outlook and are in an accessible location does not overcome these findings, and the shortfall is significant.
11. The submitted plans indicate that the proposal would result in the sub-division of the rear amenity space. Each unit of accommodation would have their own designated space, bounded by close boarded fencing. While the proposed amenity spaces would be within view from the nearby pedestrian bridge this would not be materially different to the situation prior to the development.

12. As indicated on the submitted plans, the two ground floor flats (Nos 1 and 2) have direct access to their spaces via an external door in the rear elevation of the building. Flats 3 and 4 are located on the first floor. The space for Flat 4 would be accessed from the front entrance via a side gate. However, it is not clear how the space serving flat 3 would be accessed. Although the appellant states that flats 3 and 4 share a space, the proposed plans do not indicate this, and there is no gate in the fencing line serving the space annotated for flat 3. At my visit, there was no fencing in place to divide the two spaces indicated on the submitted plans as serving flats 1 and 3.
13. Regardless of this confusion, the proposal would not result in convenient and easy access for future occupiers, and there is little space for any planting. Access could also be impeded by the presence of domestic paraphernalia such as space for clothes drying or garden furniture. The fact that Dartford Central Park is within a nine-minute walk does not overcome the fact that the amenity space is not conveniently accessible or highly usable.
14. For the above reasons, I conclude that the proposal would not provide acceptable living conditions for future occupiers with particular regard to internal space standards and private amenity space. It conflicts with Policies M1, M9 and M10 of the DLP. Taken together, these policies seek to ensure that residential development is of good design, fit for purpose and in accordance with national standards; and that private amenity space is accessible and highly useable.

Character and appearance

15. The appeal site is within a residential area, characterised by two storey semi-detached and short terraced built form with front and rear amenity spaces. Although parking within frontages is not uncommon, frontages generally retain boundary features and some degree of planting, such that frontages are not fully open. The Council advises that the area is characterised as being in use as family housing, and I find no reason to consider otherwise.
16. While the sub-division of housing into flats is not a common feature within the area, DLP Policy M10 does not prevent sub-division as a matter of principle. In this case, there would be no fundamental or significant change to building form or the external appearance of the building. The proposal would accommodate four persons, potentially eight if each flat was occupied by two persons. This level of occupation would not be so significantly different to that of a family such that it would be unacceptable.
17. The open extensive area of hardstanding across its full frontage gives a harsh appearance, in prominent view within the street scene. The absence of planting and a boundary treatment with its adjoining neighbour and along the opposite boundary for some length only serves to emphasise the dominating hardstanding. However, this appears to be the same situation that existed prior to the conversion taking place, as indicated on the approved plans under permission ref: DA/21/00848/FUL.
18. However, the sub-division of the rear amenity space with fencing is highly discordant to the character and appearance of rear garden spaces within the area. This subdivision, together with areas for bin storage and cycle storage results in a cramped appearance to the side and rear areas of the plot, in sharp contrast to the more open prevailing character and appearance of rear

private amenity space in the area. These effects are in prominent view from the nearby pedestrian bridge at Olive Road. Consequently, the proposal results in a significant change to the character and appearance of the plot by the subdivision of land within its curtilage, and thus fails to respect the character and appearance of the area.

19. While the appellant suggests that a suitable condition could deliver planting, it seems to me that there is little room for any planting within the frontage given the proposed parking arrangements, nor within each area of sub-divided amenity space such that it would thrive.
20. For these reasons, the proposal would harm the character and appearance of the host property and the wider area, in conflict with DLP Policies M1, M9 and M10. Taken together, these policies seek to ensure that development is of good design; and respects the townscape, distinctive character and landscaping of a locality.

Other Matters

21. The appellant accepts that the Council can demonstrate a five-year housing land supply. The proposal would result in a net increase of three units to the housing supply and thus support the government's objectives to significantly boost the supply of land for homes and use land efficiently. There is no substantive evidence before me to demonstrate that the proposal is necessary to diversify the housing stock, but in principle it could widen housing choice and support the government's objectives for inclusive communities. I apportion limited weight to these benefits.
22. Limited economic benefits have occurred through the construction phase. Some degree of net additional household expenditure could also occur, notwithstanding that prior to the development, the proposal could have generated expenditure as a single unit of accommodation. It is unclear how any additional tax receipts or any income to the Council would be used to benefit the general public. These benefits therefore attract limited weight.
23. The absence of third-party objections does not of itself render the scheme acceptable.

Conclusion

24. The proposal would not provide acceptable living conditions for future occupiers, nor acceptable parking arrangements. It would also harm the character and appearance of the area. It is clear that the limited benefits of the proposal, even in combination, would not outweigh the unacceptable and other harm that I have found.
25. For the reasons above, the proposal conflicts with the development plan read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR