



Appeal Decision

Site visit made on 15 October 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/T2215/W/24/3338387

98 East Hill, Dartford, DA1 1SB

- 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 Santokh Lart against the decision of Dartford Borough Council.
 - The application Ref is DA/23/01069/FUL.
 - The development proposed is a two storey front extension to the existing house in multiple occupation, partial demolition of the existing ground floor extension at the back to facilitate amenity space and internal alterations to create an eight-bedroom house in multiple occupation (change of use from small HMO to large HMO).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) whether there would be adequate external amenity area for future occupiers of the proposed development; ii) the effect of the development, as a result of there being no parking provision, on highway safety and residential amenity; and iii) the effect of the proposed front extension and the cycle storage and waste bins on the character and appearance of the streetscene.

Reasons

3. The appeal site currently operates as a 5-bedroom House in Multiple Occupation (HMO) under planning permission granted in 2014. The site sits on East Hill on a prominent corner location, with St Albans Road running down the west side. The building is set back from the prevailing building line on East Hill and has a front garden area enclosed by a wall separating it from East Hill and St Albans Road. It is clear that the building was originally a fine structure, making a substantial contribution to the street-scene, and although having a rather rundown appearance, it retains many of its original design features.
4. The area is predominantly residential, including a high number of two-storey terraced dwellings, although there are commercial premises - such as the car tyre and repair garage immediately to the rear and the Tesco supermarket on East Hill not far away, with its car park on the west side of St Albans Road. The site is just under 500 metres from the eastern end of the town centre. It is a sustainable location.

The adequacy of the external amenity area

5. The council quotes the area of the outside amenity area proposed as something under 30m². Measuring from the plan indicates that this is reasonably accurate. The appellant argues that the amount of outdoor amenity space is actually a total of 44m², but this includes the narrow spaces on the frontage as the site turns the corner between East Hill and St Albans Road. These areas would provide little in the way of amenity and should not be counted.
6. The appellant also points out that there is no specific requirement for the minimum size of outdoor amenity space for HMOs in the council's local plan or planning guidance documents. Reference is then made to guidelines such as Standard 26 of The Housing Supplementary Planning Guidance, London Plan 2016, which mentions that "*a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant.*" This standard applies to dwellings rather than HMOs, but the appellant suggests that it provides a useful benchmark regarding outdoor space provision. Based on this guidance, the total square meterage of the outdoor amenity space in the appeal proposal exceeds the recommended minimum requirements, the appellant again using the total of 44m² at both the front and rear of the property.
7. The standard quoted does not apply within the administrative area of Dartford, but in any event, I disagree with this approach. Firstly because it includes the space alongside the carriageways at the junction of the 2 roads, and secondly the requirements of a single family household do not necessarily coincide with those of at least 8 residents (the bedspaces being all being 2 person)¹. The effective outdoor amenity space, as I have identified, is under 30m², which means there would be 3.75m² of space per resident.
8. This is obviously less than the 5m² quoted above, in a situation where I consider that more, rather than less, should reasonably be expected for residents in a HMO. Therefore, the appeal proposal is deficient in outdoor amenity space in quantitative terms, but I also consider that it would not be space that is satisfactory in a qualitative sense. The appellant contends that the proposal incorporates a well-planned and functional layout aimed at maximizing the usability and enjoyment of the space by future occupiers. However, this is not demonstrated on the submitted documentation, and I am far from convinced, especially with the car tyre and repair garage immediately beyond the rear boundary of the site.
9. I therefore find that the proposal would not provide an adequate external amenity area for future occupiers.

Parking provision, highway safety and residential amenity

10. The appeal documentation includes a parking survey of the area immediately around the appeal site, carried out by a firm of consultant civil engineers. The survey used the widely-accepted (in London) Lambeth Methodology. However, the council criticises the survey on the basis that it was undertaken on a Monday and Tuesday in early December "between 12.30 and 01.30", and

¹ Table 1 of the Design and Access and Planning Statement.

doubts the veracity of the statement that the 'likelihood of frequent car usage by residents' is reduced due to the proximity to public transport connections.

11. The consultants state that a conservative count approach was used to show a worst-case scenario, and that the result shows a 17.8% parking availability within 2 minutes/200m walking distance from the appeal site. The Lambeth methodology includes the requirement to survey only on Monday-Wednesday. I note that there are areas where parking is allowed on single yellow lines at various times, which would increase the amount of parking space available during those times.
12. The council's appeal statement provides information on a parking survey it carried out in January 2023 to understand parking capacity and demand in the area. The survey was carried out over two weekdays and a weekend: a Tuesday, Thursday and a Saturday. The output shows various levels of parking stress throughout the hours of the weekday and weekend. For example, parking levels in St Albans Road were in most of the survey period, between 7am and 10pm, close to capacity or at capacity. In addition, if the council develops parking control measures as part of the major town centre Parking Study that is currently on-going, it is likely that parking capacity will be further constrained.
13. The council's appeal statement also refers to "the developers limited parking survey carried out over 1 hour". This appears to be a misunderstanding, since my understanding is that the survey was not during the hours of 12.30pm to 1.30pm, but from 12.30pm to 1.30am. But I do regard the report put before me as lacking in detail, as unlike the council's survey output which shows hourly data, the consultant's report shows generalised output.
14. The appeal site is in an area with good access to public transport, both buses and trains, which should minimise the residents need for a motor vehicle. Nevertheless, it is stated that residents would likely be professionals, which suggests to me that some at least might well be car owners. Of the evidence before me, I prefer the council's, since it covered a greater period - over 2 week days and a weekend, and is more detailed. I conclude that the proposed development would probably lead to greater parking stress in the surrounding area, harmful to highway safety and residential amenity.

The proposed front extension and the cycle storage and waste bins

15. The proposal would be detrimental to both the appearance of the building and the character and appearance of the streetscene. I have noted, at paragraph 3 above, that the building was originally a fine structure, making a substantial contribution to the street-scene, and although having a rather rundown appearance, it retains many of its original design features.
16. The detrimental impact on the building and the character and appearance of the streetscene would include the loss of most of the front garden. This would be exacerbated by the siting of the bicycle storage units immediately at the back edge of the public footpath on the majority of the remaining frontage. The waste bins would also be evident from the public domain. I conclude that the effect of the proposed front extension and the cycle storage and waste bins would be harmful to the character and appearance of the streetscene.

Overall conclusion

17. Having considered all matters raised, I conclude that the appeal proposal would not provide an adequate external amenity area for the future occupiers, that it would probably lead to greater parking stress in the surrounding area, harmful to highway safety and residential amenity, and that it would be harmful to the character and appearance of the streetscene. It would be contrary to policies M1, M2, M3, S5, M9, M15 and M16 of the Dartford Local Plan, adopted on 22 April 2024. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR