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# Appeal Decision

Site visit made on 2 October 2024

**by A Knight BA PG Dip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 November 2024**

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**Appeal Ref: APP/T2215/W/24/3344217**

**283 Lowfield Street, Dartford, Kent DA1 1LB**

- 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 Mrs Pam Turner against the decision of Dartford Borough Council.
  - The application Ref is DA/23/01347/FUL.
  - The development proposed is a new 3 bedroom house to be built on vacant (garden) land towards the side of the existing house.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Given the advanced stage of the emerging Local Plan, I attach significant weight to its policies.

## Main Issues

3. The main issues are the effect of the proposed development on;
  - the living conditions of occupiers of 283 Lowfield Street and of future occupiers of the proposed dwelling, with particular reference to amenity space;
  - the character and appearance of the area, and;
  - highway safety, with particular reference to parking provision.

## Reasons

### *Living conditions*

4. The appeal site includes an end-of-terrace dwelling with a garden to the front, side, and rear. Much of the rear is given over to parking and the provision of a garage building. Though described by the appellant as vacant, I found the side part of the garden to be neatly kept, with a lawn and washing line. A door in the flank wall of the house opens directly onto it, and a boundary wall and fence enclose it securely. The front part of the garden is closest to Lowfield Street, a busy thoroughfare used by commercial vehicles and buses, whilst the side part is adjacent to the quieter residential environment in Myrtle Road. As such, the side part of the garden offers a better quality amenity space, and one more likely to be used, than the front.

5. The appeal proposal would deprive occupants of 283 Lowfield Road (No 283) of the side part of the garden, leaving a front garden which, for the reasons set out above, would be uninviting and unlikely to be used for leisure, relaxation or play. Whilst the proposal involves the removal of the existing rear garage, the proposed tandem parking bays would occupy much of the space to the rear of No 283 and dominate the garden area. The proposed rear paved area would be large enough to host outdoor seating, but would leave a very small lawn area, the furthest section of which would be too narrow to offer usable space. As a result, the area would not facilitate outdoor play, and has little evident capacity for a garden shed or greenhouse. In these ways, the proposal would provide inadequate amenity space for occupiers of a three-bedroom house at No 283.
6. Occupiers of the proposed dwelling would have access to a front garden, but it would be as uninviting and unlikely to be used for leisure, relaxation and play as the front garden at No 283, for the same reasons. The side amenity area would be narrow enough that its use as anything more than an access route would be unlikely. The rear area would comprise a more secluded paved area, but the space would be very small, not comprise any lawn at all, and be dominated by the proposed parking area. As such, the proposed dwelling would have wholly inadequate amenity space to allow leisure, play, and relaxation for a three-bedroom house.
7. I have been invited to compare the appeal proposal to a pair of two-bedroom houses approved behind 281 Lowfield Street (No 281)<sup>1</sup>. From the evidence before me, the rear gardens of the houses behind No 281 will be entirely secluded and not subject to any interaction with vehicles. Even if the rear gardens of the houses behind No 281 are the same size or smaller than those contained in the appeal proposal, they serve two-bedroom houses rather than three. As such, I find the development behind No 281 to be materially different to the appeal proposal, and do not consider it to act as a precedent in this case.
8. For the reasons set out above, the appeal proposal would result in unacceptable living conditions for occupiers of No 283 and of future occupiers of the proposed dwelling, with particular reference to amenity space, contrary to Policies DP7 and DP8 of the Dartford Development Policies Plan (2017) and M9, M10, and M11 of the emerging Draft Local Plan (2021) where they prohibit the loss of garden land and require new development to provide gardens of usable size and good quality.

#### *Character and appearance*

9. The appeal site includes an end-of terrace dwelling with a hipped roof at No 283. Whilst various alterations are evident, overall, the terrace retains a notable degree of uniformity; the hipped roof above 289C Lowfield Street matches that at No 283, providing a sense of architectural balance and completeness to the terrace.
10. The northern flank wall of No 283 is broadly in line with the front building line in Myrtle Road, allowing clear views from Lowfield Street of the residential setting beyond. No 281 has been extended to the side but is set far enough back from the boundary to retain a similar sense of openness at that corner of

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<sup>1</sup> Allowed at appeal, ref APP/T2215/W/22/3291448

the street, and for No 281 to remain broadly in adherence to the front building line in Myrtle Road. As a result, Nos 281 and 283 serve to frame and mark the entrance to Myrtle Road and the residential area beyond.

11. The appeal proposal would introduce a detached dwelling to the end of the terrace, with a narrow gap between it and No 283. The proposal incorporates materials, finishes and proportions to match the existing terrace, but the proximity of the new dwelling to No 283 would result in neither a continuation of the terrace, nor in enough separation distance for the proposed dwelling to appear as an independent element in the streetscape. This would compromise the uniformity and completeness of the terrace, undermining its beneficial character.
12. The use of a gable-end roof to one side of the proposed dwelling and a hipped roof on the other would result in an unbalanced, unattractive roof form. The introduction of a gable-end roof in very close proximity to the hipped roof of No 283 would result in a striking and wholly incongruous arrangement, in which neither building would relate well to the other. The position of the proposed dwelling significantly beyond the building line in Myrtle Road would harmfully erode the pleasing sense of openness at the entrance to that street as described above.
13. For the reasons set out, the appeal proposal would result in unacceptable harm to the character and appearance of the area, contrary to Policies CS1 and CS10 of the Core Strategy, Policies DP2 and DP6, of the Dartford Development Policies Plan (2017) and Policies M1 and M2 of the emerging Draft Local Plan (2021), where they require good design and that the benefits of new housing on windfall sites outweigh the disbenefits.

#### *Highway safety*

14. Policies DP4 of the Dartford Development Policies Plan (2017) and M17 of the emerging Draft Local Plan (2021) require an appropriate level and form of vehicle parking provision in accordance with the applicable Parking Standards Supplementary Parking Document (the SPD). The SPD requires 1.5 car parking spaces and two secure cycle parking spaces for each three-bedroom dwelling, with a specified allowance for unallocated car parking spaces.
15. The appellant has made no argument that the proposals meet the required standards, but has made reference to on-street car parking being common locally. This has not been supported by a parking survey to demonstrate on-street parking capacity. Furthermore, I have no details as to how cycle parking would be provided, or that doing so would not reduce the proposed gardens to an even smaller size, or result in incongruous development between the buildings and the street.
16. In all, I have no reliable evidence to show that the proposal contains sufficient car or cycle parking provision, and the available evidence suggests that it would not. As such, the proposed development is contrary to Policies DP4 and DP5 of the Dartford Development Policies Plan (2017) and M17 of the emerging Draft Local Plan (2021).

## **Other Matters**

17. The appellant has drawn my attention to a planning application at 25 Beech Road<sup>2</sup>. I have no evidence that this application was approved and as such it has not been material in my determination.
18. The appellant has indicated that if the appeal proposals conflict with the planning policies in the decision notice, it would follow that many existing local properties would be similarly non-compliant. I have no evidence to show that arrangements at nearby sites follow permissions issued by the Council against the same or similar planning policies as those in effect today. They have not been a factor in my determination, therefore.
19. Whether negotiation between the appellant and the Council could have, or may yet, overcome the reasons for refusal is not a matter before me. I have made my determination on the merits of the scheme as submitted.

## **Planning Balance**

20. The Council can demonstrate a five-year supply of housing sites and, as such, the provisions of Paragraph 11(d) of the National Planning Policy Framework do not apply. Nevertheless, the benefits of the proposed development are material in my determination.
21. The proposed dwelling would be in an established residential area within walking distance to important local facilities and, as such, would adhere to the overarching objective of the planning system to provide new homes in accessible locations. The proposal would also support the Government's objective of significantly boosting the supply of homes and is likely to be built-out relatively quickly. The need for housing is a matter of considerable importance, but the benefits of housing delivery in this particular case are tempered by the modest scale of the scheme.
22. The development would provide employment temporarily related to the construction period and sustained economic benefits relating to the activities of future occupiers. The modest size of the scheme means that these benefits would be limited, and attract modest weight, therefore.
23. Notwithstanding the above, the proposed development would not comply with the policies of the development plan regarding living conditions for occupiers, the character and appearance of the area, and highway safety. I find that the adverse impacts of the proposal outweigh the moderate benefits.

## **Conclusion**

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed, therefore.

*A Knight*

INSPECTOR

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<sup>2</sup> Ref 17/01785/FUL