



Appeal Decision

Site visit made on 24 January 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th February 2025

Appeal Ref: APP/T2215/W/24/3355013

86 Central Road, Dartford, Kent DA1 5UN

- 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 Ms Omolade Adeniyi against the decision of Dartford Borough Council.
 - The application Ref. is DA/24/00162/COU.
 - The development proposed is for a change of use from a dwelling (class C3) to a mixed use as a dwelling (C3) and as a children's childminding service.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) highway amenity with particular reference to car parking; and b) the living conditions of nearby occupiers in respect of noise and disturbance.

Reasons

Highway amenity

3. The appeal site is a three-storey, end-terrace property on the junction between Central Road and Scott Close. Being near Dartford Town Centre, the surrounding area is mixed in nature, with residential and commercial uses evident. At my site visit I observed that the stretch of Central Road outside the appeal site is well-used by vehicles, and with double yellow lines along either side of the highway. Scott Close accesses high-density, domestic environs where signs state that parking fines are issued for unauthorised vehicles.
4. Although the Council's Parking Standards Supplementary Planning Document (SPD) recommends one parking space for the existing dwelling, I have not been made aware of any specific parking standards for a childminding business. There is an existing parking space at the appeal property on Scott Close, the appellant indicates that during business hours this is kept free for parents to drop off or pick up their children. The Council suggests that a mixed use such as this would have a parking requirement of up to 5 spaces (1 space for the residential use, 2 for staff and 2 for drop off/pick up). In my view, even allowing for some flexibility due to the town centre location, there would be a shortfall in provision.
5. I recognise that some of the children could be from the local area and walk to the appeal property. There is also the possibility that customers may have more than one child attending the appeal property, with the potential for linked trips. Nevertheless, some customers will arrive by car; the appellant avers in this regard that drop off and collection times are staggered, with a staff member available to manage the flow of traffic between 7:30am and 9am and between 5:00pm and 6:15pm, and another staff member stationed at the entrance to collect the children. Information about parking arrangements is shared and managed with parents via a WhatsApp group chat.

6. This notwithstanding, in the event of unforeseen circumstances outside of the appellant's control (for example travel delays, illness, last-minute changes in parent's routines and so on), any customers driving to the appeal site outside of their usual arrival time may find the sole parking space occupied and therefore be forced to park on Central Road or in Scott Close. Furthermore, during inclement weather customers who normally walk may choose to drive.
7. Central Road is relatively narrow and busy, with parking restrictions. The narrow highway could encourage vehicles to park on the relatively wide pavement to allow the free-flow of traffic. This would cause a problem for pedestrians who may have to walk in the road; any increase in parking, even for short periods of time, would aggravate this hazard.
8. Scott Close has limited space available for turning and manoeuvring, and, at the time of my visit on a Friday morning, there was minimal availability for parking in bays close to the appeal site. Whilst I accept this is only a snap shot in time, it is an indication that parking clear of the internal access road is difficult to achieve at certain times of day. The presence of enforcement contractor signs also strongly dissuades unauthorised parking.
9. Given the above, it seems to me that any increase in the number of cars parking around the appeal site is likely to compromise the free flow of traffic there and inconvenience other road users, with the possibility of vehicles waiting in the carriageway on and around the Central Road/Scott Close junction. This would be injurious to highway amenity.
10. I fully appreciate the appellant's intentions and supervision procedures, that children get in and out of cars safely on to the pavement, the Council's Highway Officer raises no objections to the proposal, the appellant's parking space is not monitored by the enforcement contractor, and current employees of the service do not drive and therefore do not need parking. However, there is nothing before me to demonstrate how the possibility of multiple customers visiting the site at the same time can be precluded in reality, were this to occur.
11. The appellant intimates that the matter could be resolved through the imposition of conditions, yet acknowledges in the final comments statement that "precise enforcement via conditions may be challenging". I am minded to agree, and consider that this issue needs to be understood prior to determination. I cannot be certain that robust management plans could be implemented and enforced to ensure that highway amenity is preserved at every reasonable opportunity. I am also conscious that the current circumstances of the appellant and her business may alter in the future. Planning permission runs with the land, and it cannot be assumed that employees and customers will always live nearby and opt to walk to the appeal site, or that they will not seek to park on Scott Close.
12. I am therefore drawn to conclude on this matter that the development would be harmful to highway amenity. This would run contrary to Policies M15 and M16 of The Dartford Plan April 2024 (DP) and the SPD, which require development to be appropriately located, make suitable provision to minimise and manage transport impacts which arise and provide an appropriate level and form of vehicle parking provision.

Living conditions

13. I am informed that the ground floor of the property and one room on the first floor are used as a day nursery, although outside of business hours the site reverts back to use as a dwelling. The rear garden is an outdoor play area bordered by fencing panels, which are unlikely to significantly reduce noise from the space due to their limited height and thickness.
14. The nursery operates between 7.30am to 6pm between Monday and Thursday. The proposal is for the care for up to 16 children per day, mainly aged between 1 and 4 years. Many children stay for shorter periods and may not be present for the entire 10-hour day and there may also be periods of the day when children are napping. Nonetheless, even

taking this into account, the number of children present is significantly above what one might reasonably expect at a property of this size when being used as a family dwelling.

15. There is already a level of background noise from vehicle movements on Central Road and Scott Close. However, the use of the site for childminding would lead to a significant change in the type and level of noise from the appeal site. Indeed, local residents refer to the noise from children and from staff at the appeal property being unduly loud and disruptive and audible in both their gardens and their houses.
16. Pick-up and drop-off times would include the banging of car doors and revving of engines taking place in relatively close proximity to nearby dwellings, which are likely to be noisy and intrusive, particularly early in the morning. Even if all parents travelled to the site on foot, the relatively high number of children means the scheme would still generate significant disturbance, for example playing and conversations among parents and caregivers.
17. During the day the noise from the nursery and outdoor play area is likely to escape into neighbouring gardens, especially during warmer months when doors and windows are likely to be open and when children are more likely to be outside. As such, the increased noise and activity from the nursery will significantly affect the occupants of neighbouring properties.
18. While many homes in the vicinity may be unoccupied during business hours when the appeal site is in greatest use, this does not apply to all local residents, as some might be at home during those times. These people will experience a high level of disruption, particularly given the long duration of the operating hours throughout the week.
19. As with the highway amenity issue, the appellant suggests that conditions would alleviate concerns in this regard. However, given my reasoning above, I consider that such matters cannot be properly left to condition, as compliance would be unclear. A precautionary approach, in my view, is reasonable and appropriate where living conditions are at issue, and any effects should be recognised prior to determination.
20. In conclusion, the appeal scheme would harm the living conditions of neighbouring occupiers, with regard to noise and disturbance. Accordingly, it would not comply with Policy M2 of the DP, which requires development that it is designed and located to not result in unacceptable material impacts on neighbouring uses.

Other Matters

21. The appellant has noted that the development has many representations in support. While community feedback is an important aspect of the planning process, the lack of objections and the presence of a supportive response do not, on their own, justify the proposal. It is also stated that Ofsted have approved the appeal site to accommodate up to 18 children. Although Ofsted's approval indicates that the site meets certain standards for childcare provision, this does not necessarily equate to compliance with local planning policies. Therefore, these considerations do not negate the adverse impacts which I have assessed above.
22. I am cognisant that the development increases the number of available childcare services in the area, and overall provides a valuable community service that has been running for a number of years. Amongst other things, it helps to support the local economy, allows parents to take paid employment who may otherwise not have the opportunity, diversifies the use of the residential property, fosters children's social development, and enhances societal cohesion. However, these considerations neither outweigh the harm I have identified nor the conflict with the development plan.

Conclusion

23. Having regard to the above and all other matters raised, the appeal is dismissed.

C Hall

INSPECTOR