
Appeal Decision

Site visit made on 10 March 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/T2215/W/24/3356077

18 Chichester Road, Stone, Kent DA9 9JT

- 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 Saleem Jamal against the decision of Dartford Borough Council.
 - The application ref is DA/24/00708/FUL.
 - The development proposed is described as “demolition of existing bungalow and construction of 2 storey new dwelling house”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted on my site visit that a wall had been constructed along the boundary of the site. However, the plans depict that a close board fence is proposed along the boundary. I have dealt with the proposal on the basis of the plans before me which do not include this boundary wall.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the living conditions of No 16 Chichester Road, with specific regard to overlooking from the proposed rear windows.
 - b) the character and appearance of the area.
 - c) ecology, with specific regard to protected species.

Reasons

Living Conditions

4. No 16 Chichester Road (No 16) is situated adjacent to the appeal site. No 16 comprises a two-storey property with a building line set forward of the replacement dwelling proposed at No 18 Chichester Road (No 18). The ground gradient between the two properties is generally level.
5. Due to the orientation of the proposed replacement dwelling, the proposed first floor rear windows do not directly face towards No 16 and its garden. Any views from the rear windows of the replacement dwelling towards No 16 would be at an oblique angle.

6. I note the Council is concerned with the proximity of the replacement dwelling to No 16 in relation to overlooking. However, the proposed dwelling would be set off the boundary of the plot and there is also a single-track road which separates No 16 from No 18. Given the separation between the plots and that only oblique views could be achieved from the proposed rear windows to the rear amenity space of No 16, I am satisfied that the proposal would not give rise to harmful overlooking in this regard and the living conditions of this property would be maintained.
7. Furthermore, the proposed side windows facing No 16 situated above ground floor level are proposed to be obscurely glazed. As such, I am satisfied that no overlooking would arise from these windows and the living conditions of No 16 would be maintained in this regard.
8. The proposal would therefore not conflict with Policy M2 of the Dartford Local Plan (2024). This policy seeks to ensure that development proposals do not result in unacceptable material impacts on neighbouring uses.

Character and Appearance

9. Chichester Road is a cul-de-sac predominantly comprising of single storey detached bungalows following a fairly linear building line, with properties arranged in a regular pattern. Some properties have been subject to dormer roof extensions. Towards the end of Chichester Road are a couple of two storey properties and some larger sized plots containing bungalows.
10. The plot of No 18 is one of these larger plots situated at the end of Chichester Road and contains a wide flat roofed bungalow. Like the existing bungalow, the proposed replacement dwelling would be situated behind the established building line of Chichester Road. Whilst No 18 has a larger plot, the proposed dwelling would be of excessive bulk and mass, appearing far larger and out of keeping with the properties within Chichester Road, including the adjacent two storey dwellings. Whilst I note that the dwelling would be located towards the rear of the plot which would limit some views of the dwelling along Chichester Road, the property would still be clearly visible within parts of the streetscene where it would appear highly prominent and intrusive.
11. For these reasons I find that the proposed development would be harmful to the character and appearance of the area. As such, the appeal proposal would conflict with Policy M1 of the Dartford Local Plan (2024). This policy seeks to ensure that development responds to, reinforces and enhances the positive aspects of the locality whilst taking opportunities to create appropriately distinctive high-quality development.

Ecology

12. Other than a biodiversity net gain exemption covering letter, no ecological surveys or reports have been submitted in support of the appeal. It is the case of the appellant that a survey could be secured by a pre-commencement condition, and that proposed enhancement measures would improve the ecological value on-site.
13. Circular 06/2005 identifies that in order to ensure all relevant material considerations have been addressed, it is essential that the presence or otherwise of protected species and the extent to which they may be affected by development is established before permission is granted. Whilst the appellant states it is common practice to

leave surveys to the condition discharge stage, the Circular clearly states that this is only to be done in exceptional circumstances. The evidence before me does not demonstrate any exceptional circumstances apply where it would be appropriate for the surveys to be secured by condition. Whilst I note that the appellant has identified that many ecological surveys are seasonally dependent, this does not amount to exceptional circumstances to justify a condition.

14. Without this sufficient information, I am unable to determine the presence or otherwise of species at the site, and therefore the full effect of the appeal proposal. As such, the appeal proposal would conflict with Policy M14 of the Dartford Local Plan (2024). This policy seeks to ensure that priority species would not be adversely impacted by development proposals.

Conclusion

15. For the reasons that I have given, 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. Therefore, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR