



Appeal Decision

Site visit made on 30 June 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/T2215/W/25/3363436

58 Main Road, Sutton at Hone, Kent DA4 9EU

- 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 Bestsafe Development (Dartford) Ltd against the decision of Dartford Borough Council.
 - The application Ref is DA/24/01083/FUL.
 - The development proposed is the erection of a detached 1.5-storey dwelling with 2 No. bedrooms and reconfiguration of car park and amenity space provision.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Bestsafe Development (Dartford) Ltd against Dartford Borough Council and this is the subject of a separate decision.

Preliminary Matters

3. I have taken the description of proposed development from the planning application form although I note it is expressed differently on other documents.
4. The appellant has put forward revised drawings. The new plans show a reduction in height to the proposed dwelling. This does not materially alter the proposal. In accepting these drawings, I do not consider the interests of parties who might wish to comment would be prejudiced. For this reason, I have had regard to these drawings.

Main Issues

5. The main issues raised by this appeal are the effect of the proposed development on: -
 - a) The character of the area;
 - b) Highway amenity; and
 - c) The living conditions of existing and future occupiers.

Reasons

Character of the area

6. The development in the area is characterised, in the main, by dwellings that front onto highways and that have gardens to the rear. This defines the urban grain of the area that gives this locality a sense of place and distinctiveness. Placing a dwelling within and surrounded by existing residential development would be out of keeping with the distinctive character of the area. In addition, the existing plot sizes are larger than that of the proposed development. This contributes to the out of keeping nature of the proposed development, as does the orientation of the dwelling within the plot.
7. Further to the above, the overall size of the dwelling and its close proximity to the boundaries of the site would create a development of constrained appearance. Taking into consideration it's out of keeping location and the cramped appearance of the resulting development, the proposal would be both physically and visually harmful to the character of the area and would undermine the local distinctiveness of the area.
8. It is contended that the siting and layout of the proposed development would be similar to the character and appearance of the area within Hotham Close. However, the dwellings within Hotham Close front onto a cul-de-sac. The proposed dwelling would be accessed through the site of No.58 Main Road and not by way of a public highway. Not being accessed directly from a public highway compounds the incongruous nature of the proposed development.
9. For these reasons, I conclude that the proposed development would be harmful to the character of the area. The proposal would, therefore conflict with Policies M1, M2, M9 and M10 of the Dartford Local Plan. Whilst these policies do not specifically restrict backland development, they seek, amongst other matters, development to be of a high quality design that responds to, reinforces and enhances the positive aspects of a locality.
10. It is highlighted that the National Planning Policy Framework (Framework) discusses that decisions should not prevent or discourage appropriate innovation or change. However, it also makes clear that developments should be sympathetic to the local character and history including the surrounding built environment.

Highway amenity

11. The Local Planning Authority has identified a requirement of 16.2 parking spaces to be provided for the existing House in Multiple Occupation (HMO) at 58 Main Road. This requirement includes visitor parking spaces. The planning permission that related to the HMO secured 12 parking spaces. As a result of the proposed development 7 parking spaces would be retained in association with the existing HMO and this would include one disabled space. This would be a significant reduction in parking provision associated with the HMO to that granted planning permission or that of the Council's identified requirement.
12. Concern has also been expressed by the Council that the parking spaces relating to both the HMO and the proposed dwelling would be undersized and not meet the size requirements of Dartford's Parking Supplementary Planning Document.

However, the amended plans provided have sought to address this. Whilst the Council has identified that there are still some spaces that are slightly undersized, it is considered there would be enough space at the site to address this and that this could be controlled by a suitably worded planning condition if permission were forthcoming. I note also that the existing spaces at the site may be slightly undersized, nonetheless these are existing parking spaces.

13. Not all properties within the local area have off-street parking provision. There are commercial premises nearby which create on-street parking. I saw at my visit that this is a heavily parked up area and that many of the existing residents rely on on-street parking. A reduction in parking provision relating to the HMO would be extremely likely to result in an increased demand for on-street parking on local roads. This would be harmful to highway amenity by creating increased parking pressure in surrounding streets.
14. It is contended that the Council has wrongly assessed the HMO as being the equivalent of 11 one bed residential flats for the purposes of establishing parking requirement. The Council advises this to be a reasonable starting point for assessment of parking requirement, noting the original planning permission for the HMO provided 12 parking spaces for 11 HMOs. A Transport Statement accompanies the appeal that points to a parking survey having been carried out that identified between 3 and 5 spaces being occupied overnight on two separate occasions, however it is not clear whether the HMO was at full occupancy at the time of the survey.
15. I accept there would be accessibility to public transport. Nonetheless, the nature of HMO is occupation by separate individuals, many of whom would be working adults, that individually could potentially be car owners. The Council has provided photographs that show the parking spaces at the HMO to be mostly occupied. In providing 12 spaces as part of the original planning permission of the 11-unit HMO, 1 space per unit appears to have been considered a reasonable provision. I do not consider the Council's approach to parking requirements to be unreasonable, despite the appellant's contention that HMOs generate far lower traffic and parking demands than typical open market housing.
16. For these reasons, I conclude that the proposed development would be harmful to highway amenity. The proposal would, therefore conflict with Policies M15 and M16 of the Dartford Local Plan. These policies seek, amongst other matters, development to avoid excessive pressure for on-street parking and to provide an appropriate level and form of vehicle parking provision as relevant to the development.

Living conditions

17. The HMO has a split level rear garden with the outdoor seating area located within the raised grassed area. The flank wall of the proposed dwelling would abut this area. Given its proximity to this outdoor space and the size and height of the proposed dwelling and its orientation in relation to this outdoor space, some overshadowing of the outside area would take place during the latter part of the afternoon and during the evening. However, this would not overshadow the entire outdoor area given its overall width. Whilst the flank wall of the proposed development would be in close proximity to the outdoor area of the HMO and there would be some overshadowing created by the proposed development, I do not

consider this would result in substantial harm to the living conditions of the occupiers of the HMO.

18. Within the existing HMO there are rear openings with small balconies at first floor that would create elevated observation of the proposed rear private garden area of the proposed dwelling. There is separation between the proposed dwelling and the HMO. Whilst no details of boundary treatment that could be erected between developments has been provided, this could be dealt with by way of a suitably worded planning condition had all other matters been acceptable. Notwithstanding this, given the separation between developments, I do not consider significant harm would arise in regard of overlooking to the future occupiers of the proposed development.
19. The proposed dwelling would be within close proximity to No.3 Hotham Close and be positioned adjacent to the rear garden of this property. The amended plans submitted in support of the appeal illustrate a reduction in height of the proposed dwelling. The Council has advised that this overcomes their concerns with regard to the potential for the development to harmfully overshadow No.3 Hotham Close and it has been confirmed that the Council removes its objection to this proposal on this particular matter.
20. Reference to overlooking of No.3 Hotham Close has been made. However, this matter did not form part of the Council refusal reasons and does not appear to be a matter of contention between parties.
21. For these reasons, I conclude that the proposed development would not be harmful to the living conditions of existing and future occupiers. The proposal would not conflict with Policies M1, M2, M9 and M10 of the Dartford Local Plan. These policies seek, amongst other matters, development to ensure that residential properties do not prejudice the amenities of the occupiers in terms of overshadowing, overlooking and privacy.

Other Matters

22. It is pointed out that the housing requirements of the Local Planning Authority are not a maximum, they are a minimum, and that Dartford Borough Council has failed to deliver sufficient housing to meet its need in the last 2 consecutive years.
23. The proposal would boost the supply of housing and could provide a high quality family home. Small sites such as this contribute to housing land supply and can be delivered quickly. The proposal would make effective use of land utilising a brownfield site. However, even if the housing shortfall is substantial, the benefits associated with a single dwelling would be small. Also any economic benefits during construction would be temporary and limited.
24. The adverse impact of the proposed development on the character of the area and highway amenity attracts substantial weight and therefore significantly and demonstrably outweighs the benefits when assessed against the policies of the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. Whilst I have found in favour of the appellant in terms of the third main issue, this does not overcome the identified harm in relation to the first and second main issues.
26. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR