



Appeal Decision

Site visit made on 16 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/T2215/W/25/3361477

2 Priory Gardens, Dartford, Kent DA1 2BE

- 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 Bakhtiyar Omar Ghafori against the decision of Dartford Borough Council.
 - The application ref is 24/01326/FUL.
 - The development proposed is described as “sub-division of existing dwelling and plot to create 2no dwellings each with separate garden areas”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development as set out above from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. I note that interested parties have raised concerns over discrepancies in what has been built on site and is shown on the proposed plans before me, compared to the previously approved extensions¹. This is something the Council acknowledges in its officer report but nevertheless determined the application on the basis of these plans. I have therefore dealt with the appeal on the basis of the plans that before me.

Main Issues

4. The main issues are:
 - whether the proposal would provide adequate living conditions for the occupiers of 2 Priory Gardens (No 2), with particular regard to the provision of internal floor space, the size of the external garden space and whether it would have adequate outlook and access to sunlight; and
 - the effect of the appeal proposal on highway safety, with specific regard to the provision of parking.

¹ LPA ref 20/00395/FUL

Reasons

Living conditions

5. Due to the sub-division of the plot, No 2 would not have access to the side and some of the rear garden it previously benefitted from and the resulting garden space for No 2 is notably smaller than the garden for the proposed dwelling.
6. However, the evidence before me shows that the garden of No 2 is of a similar size and depth to the adjacent neighbouring gardens and is in keeping with the quantity of external garden space provided within the area. I also observed on site that the garden space is of a sufficient size to undertake activities such as sitting outside and hanging washing.
7. The previous appeal at the site for a detached dwelling has been brought to my attention² by the Council. Whilst the Council contends that the Inspector in this case found the quantity of external garden space to be insufficient in relation to No 2, it is clear from the Inspectors reasoning that they found harm in relation to outlook, light and quality of external amenity space, rather than quantity. The size of the garden space for the occupiers of No 2 in this appeal is therefore adequate for the reasons given.
8. However, unlike its adjacent neighbours, the garden for No 2 is subject to a significant amount of bulk and massing above the ground floor level situated directly on its side boundary with Unit No 2A (No 2A). This creates an oppressive and enclosing effect on the garden of No 2 by restricting the outlook of users of this space, particularly to the decking area closest to the rear of the property where residents would be most likely to want to sit.
9. I have not been presented with any technical evidence regarding overshadowing. Given the position of the proposed sub-divided dwelling in relation to the garden area of No 2 and the path of the sun, along with its height, bulk and mass situated on the side boundary, it is likely to restrict sunlight and cast shadows over the garden area of No 2 for much of the day making the garden feel colder and uninviting. I note that other rear gardens nearby are shaded by dwellings to their west, but in this instance, there would be additional overshadowing from the built form on the side southern boundary.
10. The site is located near to some green spaces and outdoor facilities. However, public outdoor spaces do not serve the same function as private outdoor spaces, and therefore access to public areas is not sufficient to overcome the deficient quality of private outdoor space at the appeal site.
11. Whilst a condition has been suggested to remove permitted development rights for outbuildings at No 2 to keep the rear garden free from development, this would not mitigate or justify the harm I have identified in relation to sunlight and outlook.
12. Regarding the standard of internal accommodation for No 2, the occupancy of the property is defined by the size of the rooms. As such, the evidence shows that Bedroom 1 complies with the Nationally Described Space Standards as a double bedspace and Bedroom 2 complies as a single bedspace. The room downstairs annotated as a bedroom as part of the previous application on the site³ is now

² PINS ref APP/T2215/W/19/3221095

³ 24/00392/FUL

annotated and used as a store. Furthermore, on my visit I observed that both bedrooms were furnished with a bed and cupboard, with both rooms having adequate internal circulation not to feel cramped or cluttered. Therefore, the proposal would provide adequate internal accommodation for the occupiers of No 2.

13. Whilst I have found that the proposal would provide adequate internal living conditions for occupants of No 2 and an adequately sized garden space, I have found that the garden area would be subject to overshadowing and an oppressive outlook which would be harmful to the living conditions of the occupiers of No 2 with particular regard to whether it would have adequate outlook and access to sunlight. The proposal would therefore conflict with Policies M1, M2 and M9 of the Dartford Local Plan (2024) (DLP). These policies, amongst other criteria, seek to ensure that development provides high quality amenity space to meet the health, recreation and functional needs of occupants, along with ensuring development does not result in material harm including overshadowing.

Highway Safety

14. No parking spaces are proposed for No 2. The evidence of both the parties is that No 2 as a single household did not benefit from off-street parking prior to the sub-division of the property. As such, the demand and pressure on the on-street parking generated by the proposal solely in relation to No 2 as a single household is not materially more demanding compared to the situation prior to the sub-division taking place.
15. The demand for parking from the appeal proposal arises through the introduction of the proposed sub-divided dwelling at the site. However, two off-street parking spaces are provided for No 2A which the evidence shows would meet the Council's parking standards.
16. The previous appeal⁴ at the site has also been brought to my attention in relation to this main issue. The Inspector, in part, dismissed the appeal due to the introduction of the dropped kerb to facilitate the off-street parking of the development, which would displace one on-street parking space.
17. However, since the dismissal of this appeal, a dropped kerb has been constructed at the site and I have been provided evidence that Kent County Council has granted Vehicle Crossover Approval for the dropped kerb. The Council has not provided evidence to dispute the lawfulness of the dropped kerb.
18. Therefore, given the dropped kerb exists and the evidence shows it is lawful, there would be no loss or displacement of on-street parking in this regard resulting from the development before me.
19. Therefore, the proposal does not materially increase the pressure for on-street parking spaces and would have an acceptable effect on highway safety, with specific regard to the provision of parking. Therefore, the appeal proposal would comply with Policies M2, M15 and M16 of the DLP. These policies, amongst other matters, seeks to ensure that development provides an appropriate level and form of vehicle parking and demonstrates that it is designed to not result in unacceptable material impacts relating to traffic and parking.

⁴ PINS ref APP/T2215/W/19/3221095

Other considerations

20. While the proposal would make an efficient use of land, this would be at the expense of ensuring safe and healthy living conditions. As such, I give this very limited weight.

Conclusion

21. 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. For the reasons given above the appeal is dismissed.

C Housden

INSPECTOR