



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: 01 August 2025

Appeal Ref: APP/T2215/W/25/3362061

Land adjacent to 37 Capel Place, Dartford DA2 7PU

- 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 Charlotte Meade against the decision of Dartford Borough Council.
 - The application ref is DA/24/01087/FUL.
 - The development proposed is a new dwelling and associated access.
-

Decision

1. The appeal is dismissed

Preliminary Matters

2. The description of development differs between the application form and decision notice. Whilst the Council's officer report states this change of description was agreed with the appellant, I have not seen a copy of this agreement. Furthermore, the appellants appeal form has stated that the description of development in the application form is still correct. On this basis, and that it adequately describes the development, I have used the description contained within the application form in the banner heading of my decision.

Main Issues

3. The main issues are:
 - whether the proposed development would provide adequate living conditions for future occupants, with particular regard to daylight, outlook and the adequacy of the private outdoor amenity space including whether it would be overlooked; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

4. The proposed single storey dwelling would have its rear elevation set marginally off the shared boundary with the adjacent neighbour. One of the proposed bedrooms would have its sole window situated on the rear of the property directly facing towards the boundary where a 1.8m close board timber fence is proposed to maintain privacy between the plots.

5. Due to the very close proximity of this bedroom window to the proposed fence, occupiers of this room would be subject to an oppressive and enclosing effect which were the proposal to be erected would cause a considerable loss of outlook and daylight and therefore harm to the living conditions of future occupiers of this bedroom.
6. The proposed usable garden space would be situated to the side of the dwelling. Whilst it would be sufficient in size to allow future residents to undertake activities such as sitting outside and hanging washing, it would only be bound by a 0.9m tall fence fronting Capel Place and to the side of the plot. This would allow people walking along Capel Place to overlook into the private amenity space of the proposed dwelling resulting in a loss of privacy to these future residents. Furthermore, whilst additional planting is shown on the side boundary, this cannot be guaranteed to be retained in perpetuity and therefore I cannot conclude it would prevent overlooking to the side of the plot.
7. The appeal proposal would therefore result in considerable harm to the living conditions of future occupants of the development due to poor outlook and provision of daylight to the rear facing bedroom and lack of privacy of the garden space. The appeal proposal would therefore conflict with Policy M1 and M9 of the Dartford Local Plan (2024) (DLP). These policies, amongst other matters, seeks to ensure development is designed to a high standard and provides sufficient high quality amenity space. It would also conflict with paragraph 135(f) of the National Planning Policy Framework (the Framework) which seeks to ensure development provides a high standard of amenity for future users.

Character and appearance

8. Capel Place comprises a cul-de-sac of two storey residential properties situated in terraces and in semi-detached arrangements. Whilst there is some variation, there are a number of consistent themes to the locality. This includes white render, hipped roofs, evenly spaced rectangular windows and the overall two storey stature of buildings.
9. The area is well vegetated and has a verdant character and appearance through hedgerows, trees, grass verges and front gardens. The area also has a spacious character and appearance achieved through properties being set back from the road following a mostly stepped building line, although unusually, 37 Capel Place, along with Nos 38 – 41 Capel Place are orientated at a 90-degree angle compared to the other properties. Nevertheless, a spacious character and appearance is still achieved through the long plots and verdant open space around the properties.
10. The appeal site is a long and narrow greenfield plot, situated at the entrance of the cul-de-sac. It is presently overgrown with an unkept appearance, however it still contributes to the overall verdant character and appearance of the area. Furthermore, along with the grass verges, the appeal site softens the entrance of Capel Place.
11. Due to the plot being shallow and wide, rather than narrow and long, the development would be significantly out of keeping with the other plots in Capel Place and would be contrary to the prevailing pattern of development. The appeal proposal would also be set well-forward of the existing building line meaning, a spacious frontage towards Capel Place would not be achieved by the proposal.

12. The dwelling, being sited in such a manner would appear cramped and contrived in its plot and unduly prominent within the streetscene compared to the other properties which sit comfortably with generous frontages and garden areas.
13. The development of the appeal site would also diminish the positive role it plays in the streetscene in softening the entrance of Capel Place and contributing to the overall verdant character and appearance of the area.
14. Furthermore, the development would harmfully deviate from the consistent architectural features prevalent within Capel Place. The fully glazed gable and overall width of the property would be contrary to the style of development within the streetscene making the dwelling appear out of keeping with the other properties.
15. I note that the proposed appeal scheme has sought to address a number of criticisms of the previous appeal scheme¹ with regard to the impact on character and appearance. This includes reducing the property to single storey in stature and including more detailing such as the glazed gable. However, I do not find that the harm caused by the poor design aspects of the proposal, which includes the glazed gable, would be overcome by the reduction in stature of the proposal compared to the previous appeal.
16. Therefore, for the reasons given, the appeal proposal would cause significant harm to the character and appearance of the area. The proposal would conflict with policies M1 and M10 of the DLP. These policies, amongst other matters, seek to ensure development responds to and enhances the positive aspects of the locality and is appropriately designed to achieve a high quality development.

Other Matters

17. The development would provide an additional dwelling in an accessible location which would contribute to the supply of housing within the borough. However, given the small scale of the proposal, this at most attracts moderate weight in favour of the development.
18. Reference has been made to the greenfield status of the appeal site and the assessments of the Inspector in the previous appeal where they found the proposal would not represent a suitable scheme for windfall development. I understand from the evidence before me that this assessment related to specific windfall policies of the previous development plan. I have not been presented with any windfall policies as part of this appeal, nor did conflict with any windfall policies form part of the reasons for refusal in this case.
19. Whilst I note the previous Inspector's decision, the appeal before me is for a different proposal and each proposal should be considered on its individual merits which I have done so.

¹ PINS ref APP/T2215/W/22/3311868

Conclusion

20. 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, for the reasons given above, the appeal is dismissed.

C Housden

INSPECTOR