
Appeal Decision

Site visit made on 8 August 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2025

Appeal Ref: APP/T2215/D/25/3367191

1 Highcross Road, Southfleet, Dartford, Kent DA13 9PH

- 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 Bob Thomas against the decision of Dartford Borough Council.
 - The application Ref is DA/24/01110/FUL.
 - The development proposed is erection of detached double garage with rooms in the roof.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached double garage with rooms in the roof at 1 Highcross Road, Southfleet, Dartford, Kent, DA13 9PH in accordance with the terms of the application, Ref DA/24/01110/FUL, subject to the following conditions:

1) The development hereby permitted is as shown on approved plan reference: Existing Block Plan [2024/19/01]; Existing Garage Floor Plan [2024/19/02]; Existing Garage Elevations [2024/19/03]; Proposed Block Plan [2024/19/04]; Proposed Garage Floorplans [2024/19/05B]; Proposed Garage Elevations [2024/19/06A]; Garage Section Details [2024/19/07B]; Garage Section Details with Dormer [2024/19/08A]; Eaves Section [2024/19/09]

2) Within three months of the date of this planning permission, a landscaping scheme including both hard and soft landscaping, shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall be implemented at the first opportunity during the following planting season, between October and March inclusive. Such landscaping shall thereafter be maintained for a period of five years. Any trees, shrubs or grassed areas which die, are removed or become seriously damaged or diseased within this period shall be replaced within the next planting season with plants of similar species and size to that approved.

Preliminary Matters

2. I was able to see on my site visit that the appeal building has been erected and therefore I have determined this appeal on the basis that it is a retrospective proposal.
3. I have used the description of development from the appeal form and decision notice as it most accurately describes the proposal before me. I have removed the term 'retrospective' as it is not an act of development.

Main Issue

4. The main issue is whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

5. The appeal site is situated in the Green Belt. The Framework states at Paragraph 153 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are, however, certain exceptions. One of those, at paragraph 154(d), is the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
6. Policy M12 of The Dartford Plan (2024) (DP) states that land which is designated as Green Belt will be protected against inappropriate development, as defined by national policy. The relevant list of exceptions to the definition of inappropriate development provided in Policy M12 is generally consistent with those of the Framework as referred to above. However, in relation to the replacement of a building the policy wording confirms that in assessing whether the replacement is materially larger its bulk, height, massing and scale will be taken into account.
7. In this instance the appeal building is located on the site of a previous garage which was demolished following significant fire damage. The main parties agree that the appeal building is a replacement building, and is in the same use as the building which it replaced.
8. The main parties also agree that the previous garage building was 160 cubic metres in volume and that the appeal building is 178.3 cubic metres. This equates to an 11.4% increase in volume of the appeal building over the building which it replaced. In my view this would be a small increase in the volume of the building.
9. It is common ground that the appeal building is constructed on an identical footprint to the building which it has replaced. The additional volume results from alterations to the roof pitch, and inclusion of dormers which enable use of the roof space as a 'den'. Whilst the ridge height is 0.8 metres higher than the previous garage, the scale of the roof is minimised through the use of barn hips. At ground floor level, its elevations and eaves height would appear similar to the building it replaced.
10. Some increase in size is permissible as part of a replacement, and taken as a whole, I do not find that the various elements, including the low-level percentage increases and increase in ridge height, amount to the appeal building being "materially larger" than the building that it replaced, in its specific context.
11. The proposal would therefore accord with exception d) of paragraph 154 of the Framework and policy M12 of the DP and would not be inappropriate development in the Green Belt. As I have found that the proposal is not inappropriate development in the Green Belt it is therefore not necessary to consider the effect of the proposal on the openness of the Green Belt, including the cumulative effect of other extensions and outbuildings, or the purposes of including land within it.

Other Matters

12. The Council's officer report indicates that there are 15 metres and 42.5 metres separation distance between the outbuilding and neighbouring residential properties, 5 Highcross Road and 98 Whitehill Road, respectively. Given the separation distances and as no side upper floor windows facing the neighbouring properties are proposed, I do not find harm to the privacy of neighbouring occupiers.
13. Concerns have been raised about the potential for the outbuilding to have an enclosing effect whilst reducing the natural light to the garden of neighbouring occupiers. However, given the scale of the outbuilding, its roof design which pitches away from the site boundary and its location to the rear of the garden, I do not find that it would harm the living conditions of neighbouring occupiers.
14. Interested parties have raised concerns in relation to the removal of vegetation prior to the submission of the planning application. However, there is little evidence before me to suggest that this vegetation could not have been removed. I have determined the appeal on its own merits and based on the appearance of the site during my visit.
15. Interested parties have raised several issues relating to the construction of the building, including encroachment beyond the boundaries of the site. I have determined the appeal based on the drawings and other information before me which was submitted to and determined by the Council. Matters relating to land ownership or private property matters are beyond the remit of this appeal. Any subsequent issues in relation to discrepancies between the drawings and the building constructed on the site would be a matter for the Council to consider.
16. An interested party has raised concerns about an additional extension at the property. However, my decision is based on the description of development for which planning permission has been sought and the drawings provided.
17. I note concerns in relation to the accuracy of the submitted drawings. However, from my review of the proposal on site, the submitted drawings appeared to be accurate. I have no reason to doubt therefore that the drawings are correct. I also note that the Council raise no issue in this respect.

Conditions

18. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
19. I have not included a time condition or condition requiring the materials to match due to the retrospective nature of the scheme and my findings. I have referred to the approved plans for identification and enforcement purposes as opposed to works being carried out in accordance therewith.
20. I have included the suggested condition related to hard and soft landscaping in the interests of character and appearance. However, I have modified the condition to reflect the fact that the appeal building has been constructed.

21. I have not imposed the suggested condition which would restrict the appeal building from being used as a separate residential or business unit, as such a change of use would require a separate planning permission. The condition is therefore not necessary.
22. Bearing in mind the PPG's advice that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict permitted development rights for the dwelling. Therefore, I have not imposed the suggested condition to this effect.

Conclusion

23. For the reasons given above, and having regard to the development plan as a whole and any material considerations, I conclude that this appeal should be allowed.

B Pattison

INSPECTOR