



Appeal Decision

Site visit made on 29 September 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd of October 2025

Appeal Ref: APP/T2215/W/25/3367487

Land adjacent to 37 Capel Place, Wilmington, 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 C Meade against the decision of Dartford Borough Council.
 - The application Ref is DA/25/00292/FUL.
 - The development proposed is erection of a two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Proposals for a three bedroom detached property and for a single storey dwelling on the site have been dismissed at appeal (Refs: APP/T2215/W/22/3311868 and APP/T2215/W/25/3362061) in 2023 and 2025 respectively. These decisions are material considerations but the proposal should be considered in its own right rather than simply how it compares to earlier, unsuccessful schemes.

Main Issues

3. These are:
 - The effect on the character and appearance of the surrounding area;
 - Whether the proposed dwelling would provide satisfactory living conditions for future occupiers; and
 - Whether the proposed dwelling would be in a suitable location for housing having regard to relevant development plan policy.

Reasons

Character and appearance

4. Capel Place is a residential cul-de-sac. The two-storey properties are arranged in a conventional linear fashion and also angled around the turning head. In the straight section the buildings are not on a consistent building line but are behind and in front of one another. They are nevertheless set back from the road and so the front parking and garden areas are quite generous. Nos 37 to 41 are at right angles to the other houses and face towards a pleasant area of open space.
5. Although the carriageway of Capel Place is narrow the disposition of buildings gives rise to a spacious character. There are trees and greenery in some of the front garden areas but this is not a consistent feature as some forecourts are given

over to parking. The appeal site is narrow and rectangular. It is currently unkempt and unused. That could change if the land were better managed. The entrance to Capel Place is softened by the areas of open space adjacent to Barn End Lane and the grass verge at the end of the site. Because of its position and size, the appeal site does not play a critical role in this respect.

6. The proposed bungalow would be forward of No 37. However, in this respect, its siting would not be incompatible with the layout of existing buildings which is not so uniform that a continuous alignment is required. The proposed dwelling would be visible from Capel Place and would change the open, undeveloped character of the site. In themselves those are not reasons to oppose the scheme. Furthermore, the proposal would be diminutive in size and bulk. Its design would be restrained and would use suitable external materials. As such, the new dwelling would not be visually obtrusive and no significant landscape features would be lost in line with Policy M10 of The Dartford Plan.
7. However, the site area would be much smaller than the norm and of a different configuration to the type and pattern of plots in the vicinity. As a result, the proposal would lead to a fragmented and piecemeal form of development. This would jar with the regularity that prevails. The bungalow's close proximity to the road would also lead to an awkward appearance. It would be 'squeezed' onto the site in direct contrast to the spaciousness of the locality. For these reasons, the proposal would not adequately respond to, reinforce or enhance the positive aspects of the locality as expected by Policy M1. This objection would not be overcome by the soft landscaping shown along the boundaries.
8. Therefore, the proposal would harm the character and appearance of the surrounding area and would conflict with Policy M1 which seeks to achieve good design for Dartford.

Living conditions

9. The east facing bedroom window would be divided from the boundary fence by the parking space (an approximate distance of 4.3m). Taking account of its internal function, this degree of separation would be sufficient to ensure an adequate outlook from within this room. The height of the fence also means that the obscure glazing is not required to safeguard privacy at No 37.
10. The proposed garden area would exceed 100 sq m. The supporting text to The Dartford Plan refers to an indicative guideline of at least 60 sq m of private amenity space per house. Policy M9 requires the provision of high quality space. In this respect, the outdoor area would not be hemmed in by other buildings and would enjoy sunlight given its orientation. It would be a modest area but could be used for outdoor seating and the drying of clothes.
11. There is a fence along the western end of the site with bushes behind which would afford privacy from that direction. However, the proposed 900mm high fence along Capel Place would enable people walking along it to overlook the proposed garden. Therefore, it would not provide the level of privacy, comfort and safety ordinarily expected. No other measures are proposed to enclose it in order to achieve the relative privacy referred to by Policy M9. Whilst the need for external space of the future occupiers of a two bedroom property may not be that great, the proposed arrangement falls well short of the expectations in Policy M9.

12. Therefore, in respect of the external amenity space, the proposal would not provide satisfactory living conditions for future occupiers and would conflict with the relevant development plan policy.

Location

13. Policy S5 of The Dartford Plan establishes that at locations such as Wilmington, residential development will be supported where the benefits of the proposal outweigh the disbenefits, including the sustainability of the site's location. The site is not previously developed or brownfield land. The National Planning Policy Framework aims to make as such much use as possible of land of this type but does not preclude the development of garden land. The development plan policies referred to do not seek to prevent development on greenfield land either.
14. The site is towards the edge of the built-up area. There are a range of facilities, services and transport links within reasonable walking distance. As such, the proposal would be in an accessible location and so would promote the use of sustainable transport in line with national policy. Furthermore, the Framework underlines the important contribution small sites can make in meeting housing requirements and that windfall sites should be supported. Great weight should be given to the benefits of using suitable sites within existing settlements for homes.
15. On the other hand, the Framework also stresses the need to achieve well-designed places and establishes that good design is a key aspect of sustainable development. Furthermore, it expects a high standard of amenity for future users. Neither of these aims would be met by the proposal because of its cramped nature and the deficiencies of the proposed garden area. Whilst acknowledging the benefits, these are outweighed by the disbenefits and therefore the proposal does not receive any support from Policy S5. On this basis, the proposal would not be in a suitable location.

Other Matters

16. The scheme has been revised compared to that considered at appeal earlier this year. The changes made to respond to the findings of the previous Inspector are appreciated but they have not led to an acceptable development for the site.
17. The Council has permitted dwellings at Heathclose Road and Brentfield Road. This shows that infill development can be acceptable in certain circumstances but it does not mean that all such schemes should be approved.
18. The accommodation proposed accords with the relevant space and parking standards and is claimed to provide high quality accommodation and be energy efficient and adaptable. These attributes are to be expected of all new residential development and do not outweigh the harm identified.

Conclusion

19. 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, the appeal should not succeed.

David Smith

INSPECTOR