



Appeal Decision

Site visit made on 20 November 2025

by **P H Wallace BSc (Hons) DipMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/T2215/D/25/3372646

186 Wilmot Road, Dartford, Kent DA1 3BS

- 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 Sang Hoang against the decision of the Dartford Borough Council.
 - The application Ref is DA/25/00669/FUL
 - The development proposed is described as a raised patio.
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Decision

1. The appeal is allowed and planning permission is granted for a raised patio at 186 Wilmot Road, Dartford, Kent DA1 3BS in accordance with the terms of the application, Ref DA/25/00669/FUL and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application has been made retrospectively. At the time of my site visit I saw the raised patio already in place and have therefore determined the appeal on that basis.
3. When the Council determined the application a structure stood over and around the patio; the officer confirmed it was not taken into account, and I observed on my visit that it has been removed.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of No.184 and No.188 Wilmot Road, with particular reference to overlooking.

Reasons

5. The appeal property (No.186) comprises a narrow-fronted two-storey terraced dwelling with a north-facing rear garden of moderate depth, gently falling south to north; a characteristic common to the adjoining properties within the terrace. The property has a single-storey rear addition providing access to a raised patio of around 3m depth, set at a consistent height above garden level. Beyond this, a symmetrical inset of planters coincides with central steps leading down to the level of the remainder of the garden. This arrangement replaced a previous patio of notably more modest depth and moderately lower height.

6. The No.186 extension is broadly aligned with a ground-floor extension at No.188 containing both ancillary and habitable accommodation with a rear aspect. To its rear is a raised paved area of slightly lesser depth and height than the appeal scheme. The boundary here is relatively open, formed by a low rendered wall (part of the development) and supplemented within No.188 by a moderate-height, lightweight, semi-opaque natural screen running the full depth of its patio. Beyond this, the height of the rendered wall relative to the dropping land level increases and planting within No.188 provides partial screening to the remainder of the neighbouring garden. Although views are obtainable between the two patios, the height and depth of the appeal scheme affords clear, direct views into the patio area of No.188 and towards its rear ground-floor windows.
7. No.184 to the east has a partly balustraded raised terrace accessed from patio doors; the terrace stops just short of the front face of No.186's rear extension. The boundary is formed by a concrete-post and timber-panel fence of about 1.8m, commencing at the rear balustrade. The fence adjoins No.186's patio but, being on lower ground, appears only moderately high when viewed from that patio. As a result, while the terrace level permits views into No.186's rear garden from its extreme west end, the appeal development affords uninterrupted outlooks from No.186 towards No.184's ground-floor habitable windows, raised terrace and wider rear garden.
8. My site visit indicates that some overlooking likely occurred previously because of the elevated former patio at No.186, and that limited interlooking between the properties has most likely been an established feature given the raised rear terraces, the fall in land levels and the narrowness of the plots. I have taken this into account in my assessment. Even so, I find that the increased height and depth of the current patio result in an unacceptable degree of overlooking, causing material harm to the enjoyment of neighbouring properties and to their reasonable expectation of privacy.
9. I have considered whether boundary screening could mitigate the identified harm. The appellant has proposed planting or installing climbing plants on trellises. Of these options, trellises with climbers placed along the inside of each side boundary for the full 3m depth of the patio offer the greatest potential. The steps down beyond this depth allow views toward the side boundaries, but their central siting, the boundary planting within No.188, and the increased screening effect of the rendered boundary wall and timber-panel fence at lower levels, prevent unacceptable overlooking of the neighbouring gardens from that position.
10. Subject to trellises with close-spaced apertures and a minimum height of 1.7m above patio level, the use of suitable climbers and a long-term maintenance regime secured by condition would materially reduce direct sightlines and prevent unacceptable overlooking of the adjoining raised terraces and ground-floor rear elevations, thereby safeguarding neighbouring living conditions. The slightly opaque nature, limited height and siting of the trellises, positioned just inside the common boundaries, should avoid any overbearing impact on adjoining occupiers. I am satisfied these measures can be secured by condition and that the condition can provide for implementation, maintenance and replacement obligations, which I address later in this decision.
11. I conclude that, subject to conditions, the development would not cause unacceptable harm to the living environment of the occupants of neighbouring

dwellings with regard to overlooking. Consequently, the development complies with Policies M1 and M10 of the Dartford Local Plan to 2037 which, amongst other things, seek to ensure that new development safeguards the residential amenity of existing occupiers.

Other Matters

12. The Council is satisfied the development is of a suitable design and does not cause harm to the character and appearance of the host dwelling or the area and that the proposal is acceptable with regard to flood risk considerations. I find no substantive evidence which leads me to a different conclusion.

Conditions

13. The Council has suggested imposing conditions requiring the development to be carried out in accordance with the approved plans and for materials used in the construction of the external surfaces of the development to match those used in the existing building. To provide clarity over what has been granted planning permission, I have imposed a condition specifying the approved drawings. However, as the development has already been constructed, I consider it unnecessary to impose a matching materials condition.
14. I have also included a condition requiring the submission and implementation of a trellis and planting scheme (for climbing vegetation against the trellis) within 3 months from the date of this decision. This is necessary to ensure mitigation is delivered in a sufficiently short timeframe against the impact of the development on the living conditions of adjoining occupiers through overlooking. This also includes safeguards to require the removal of the development if the submitted scheme is ultimately found to be unacceptable.

Conclusion

15. For the reasons given above, I conclude the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

PH Wallace

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the listed approved plans: A.001 (Site Plan & Location Plan); A.050 (Pre-Existing); and A.100 (As Existing).
- 2) The development hereby permitted shall be demolished, the patio restored to its pre-existing dimensions (as shown on drawing A.050) and all materials resulting from the demolition shall be removed within 90 days of the date of failure to meet any one of the requirements set out in i) to iii) below:
 - i) Within 3 months of the date of this decision, full details of a boundary trellis fence and planting scheme for climbing vegetation against the trellis shall be submitted to the Local Planning Authority for approval in writing. These details shall include: the design and siting of the trellis, which shall be not less than 1.7m in height (measured from the level of the raised patio), formed from close-spaced lattice panels with apertures not exceeding 20mm; confirmation that the trellis will be installed along the full depth of the patio (3m as shown on drawing A.100) on the inner face of the existing boundary wall forming the common boundary with No.188 Wilmot Road and on the inner face of the concrete-post and timber-panel fence forming the common boundary with No.184 Wilmot Road; schedule of plants (noting species, plant sizes and proposed numbers/densities), including a planting methodology; and an implementation timetable.
 - ii) The approved trellis and planting scheme shall have been carried out and completed in accordance with the approved timetable.
 - iii) The approved trellis and planting scheme shall be retained and regularly maintained in accordance with the approved details. Any plants that die, are removed or become seriously damaged or diseased within 5 years of planting are to be replaced in the following planting season with specimens of a like size or species unless the Local Planning Authority gives written consent to any variation.

End of Schedule