

Appeal decisions October - December 2007

Address: 6 Rowans Close Longfield

Proposal: Erection of a single storey side/rear extension to garage

Level of DBC Decision: DC Board

Decision: Allowed

The Inspector acknowledged that the proposed garage would appear different to those in the cul-de-sac. However, it was felt that the appellant had clearly attempted to minimise the impact of the changes. This included no increase in the ridge height, matching garage doors, and the siting, being set back from the road.

Being located towards the end of the cul-de-sac, the garage cannot be seen from the wider area and the Inspector also felt that the ice cream van being kept in the garage would improve the street scene. To conclude, it was felt that the proposal would not result in a serious adverse impact on the street scene.

Address: 56 Summerhouse Drive, Bexley

Proposal: Erection of a detached building to provide double garage with habitable rooms above

Level of DBC Decision: Delegated

Decision: Dismissed

A building of this design and scale in this position would look quite incongruous in relation to the established dwellings. The Inspector further considered that the scheme would be unsympathetic to the character of the area, particularly given its location in the Area of Special Residential Character.

Address: 11 Carlton Avenue Greenhithe

Proposal: Erection of a 2 storey building to provide 4 No. studio flats with associated parking

Level of DBC Decision: Delegated

Decision: Dismissed

The Inspector decided that the balconies would directly overlook the garden of no 9 and the bulk of the building would give rise to a sense of enclosure in this garden and would result in some overshadowing. These effects would be harmful to the living conditions of the occupants of nos 9 and 11.

The proposal would lead to an unacceptable reduction in the amenity space for the occupants of no 11. The noise and disturbance at the rear of the property arising from the movement of vehicles to and from the proposed parking area would also be harmful.

The outlook for the occupants of 26-32 Woodward Terrace would be adversely affected by the introduction of a building close to their northern boundaries.

Access would be shared with no 11 and parking would be provided to its rear. This would be contrary to the established pattern of development in the vicinity. In order to overcome the constraints of the site the building would be narrow and blank walls and small windows would be required to prevent overlooking; this would not represent good design and the development would appear cramped on the site.

The provision of an additional four affordable units, together with the changes to drainage and parking arrangements, is insufficient to outweigh the harm identified in this particular case both to the living conditions of occupiers and neighbours and to the wider street scene.

Address: 94 Priory Road, Dartford

Proposal: Erection of a part two/part single storey rear extension

Level of DBC Decision: DC Board

Decision: Dismissed

The Inspector concluded that the extension would be a large and bulky addition, giving rise to an increased sense of enclosure to the neighbouring and resulting in an overbearing impact.

Address: Land Adjacent 2 Charles Street, Stone

Proposal: Redevelopment of site for the erection of a part two/part three storey building to provide 1 x 1 bedroom and 4 x 2 bedroom flats including undercroft car park and access onto Charles Street

Level of DBC Decision: DC Board

Decision: Allowed

The Inspector concluded that taking account of the limited views of the appeal site from Charles Street and its small size, that it does not make a valuable contribution to the environment or amenity of Charles Street and that the proposal would not have a significant effect on the street scene.

The improvements to pedestrian safety would outweigh any slight visual harm that may result from the loss of this area of open land

Address: 47 Norfield Road, Joydens Wood

Proposal: Erection of a two bedroom bungalow

Level of DBC Decision: Delegated

Decision: Allowed

The Inspector thought the proposed bungalow would be similar in style and scale to the surrounding dwellings and would be substantially smaller than previously dismissed appeal proposal. He concluded that the bungalow would not harm the living conditions of nearby residents or have an adverse impact on the Area of Special Residential Character.

Applications for costs by both parties were unsuccessful.

Address: Land east of reservoir north of Nurstead Lane, Longfield

Proposal: Retrospective application for change of use of land to a private caravan site for a gypsy family

Level of DBC Decision: DC Board

Decision: Allowed

The Inspector took the view that a balancing exercise has to be undertaken. Substantial weight has to be given to the harm by reason of inappropriateness, but less weight to the harms to openness, visual

amenity and the setting of the SLA, because these harms are limited and, furthermore, they can be reduced by the imposition of planning conditions.

Weighed against these harms are the other considerations. They include Mr Friend's Gypsy status, the personal circumstances relating to his daughter, the need for more Gypsy sites in the area, the lack of alternative accommodation options, the site's compliance with the 7 criteria of LPR policy H22, and the fall back position. The Inspector weighed all these considerations, and decided that they clearly outweigh the harm to the Green Belt, and the other harms. Therefore very special circumstances exist to justify this inappropriate development in the Green Belt.

The Inspector went on to say several things have changed since the previous appeal decision. Circular 01/2006 has been published and, unlike LPR policy H22, it does not rule out Gypsy sites in the Green Belt, although it advises that alternative locations should be explored first. In the 2005 appeal, the Council persuaded the Inspector that there were pockets of land outside the Green Belt north of the A2 Trunk Road which would be suitable for a Gypsy site. This appears to have been critical to his decision-making. However, the Council is no longer suggesting that the appellant could find another site north of the A2. Another change since the 2005 appeal is that two of the appellants children are now living with their father, and his daughter has particular medical problems. The Inspector therefore does not feel constrained by the previous Inspector's decision to refuse planning permission in 2005.

Conditions were included restricting the number of caravans to two and occupancy solely by the appellant and his resident dependents.

Address: 28 Chastilian Road, Dartford

Proposal: Erection of a first floor side extension

Level of DBC Decision: Delegated

Decision: Allowed

The Inspector noted the relationship with adjoining properties and that the extension's roof would slope away from them, lessening the visual impact. There are a number of trees which would partially break up and obscure the length and extent of the extension and the Inspector considered that the distances are between the houses and the extension would be reasonable.

Address: Land On Temple Hill South West Of No's. 1,11 & 23 Hilltop Gardens Dartford

Proposal: Application for determination as to whether prior approval is required for the erection of a 12.5m high slimline telecommunications tower with 3 antennas, 1 300mm diameter dish antenna and ancillary housing

Level of DBC Decision: Delegated

Decision: Dismissed

The Inspector accepted that there was no dispute over the need for a mast in this area. The siting of the mast however would be at the top of Temple Hill, meaning it could be seen from both directions along the road. It would appear as a prominent and discordant vertical element in the street scene.

The mast would be significantly taller than other street furniture in the area, which includes 10m high streetlights and a 10.5m high monopole. It was concluded that the 12.5m high tower would seriously harm the character and appearance of the surrounding area.

Address: Tennis Court Main Road Sutton-At-Hone

Proposal: Provision of one further caravan pitch

Level of DBC Decision: Delegated

Decision: Allowed

The Inspector felt that a fourth caravan on the site would affect the openness of the Green Belt, albeit to a modest and localised level only. No adverse impact on the character of the area was found as the site appears as the last residential plot at this end of the village and the site is already a caravan site.

With no vacant authorised pitches available for the appellant's daughter, plus the assessments identifying a need for 27 new pitches in the Borough over the next 5 years, the Inspector believed that the site was a sustainable location for a gypsy site and that together this amounted to very special circumstances that outweigh the harm from inappropriateness.

Given that the original permission was not personal and did not include controls over the size of the units, the Inspector in this case decided on

the same approach and felt that the site license regime would provide adequate control over size, separating distances, etc.

Address: Former Railway Sidings Victoria Road Dartford

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Level of DBC Decision: Delegated

Decision: Dismissed

The Inspector found the Grade II listed wall to be in a generally poor condition. Although the area is predominantly commercial, the wall is a significant visual feature in the street scene and is of some historic importance.

Whilst parts of the wall are 2.5-3m high, the proposed site plan would see some storage containers being placed behind a 2m high section of the wall. The containers would be clearly seen along Victoria Road.

The Inspector also felt views from passing trains was an issue. With the trees being deciduous, containers and parked vehicles would be visible particularly during the winter and the activity would appear out of place in the context of the wall and unsympathetic to its historic character.

Address: 98 High Road Wilmington

Proposal: Demolition of existing property and erection of a terrace of 2 x 3 bedroom and 1 x 2 bedroom houses with associated car parking

Level of DBC Decision: DC Board

Decision: Dismissed

The gardens would face to the west of north and, while it is possible that during the summer months they would receive some early morning and late evening sunlight, during most of the day the gardens would be overshadowed by the houses. The limited size of the proposed gardens and lack of sunlight would result in unacceptable living conditions for future occupiers.

The scheme would not materially affect the character and appearance of the area and would provide adequate parking provision with no unacceptable effect on on-street parking. On balance, the Inspector

decided that the living conditions of future occupiers in terms of private amenity space would be unacceptable and a sufficient reason to dismiss the appeal.

ENFORCEMENT APPEALS

Address: Hook Green Farm, Hook Green lane, Wilmington

Breach: Single storey building and hardstanding and track/road

Decision: Part allowed, part dismissed

The Inspector concluded that the unauthorised development amounted to inappropriate development in the Green Belt. He decided that the building and hardstanding were harmful and that permission should not be granted. He allowed six months for compliance. However, he saw no harm in the tack/road and granted planning permission for this element.