

Appeal decisions July - September 2007

Address: O2 Mast outside Kingdom Hall, Princes Road, Dartford

Proposal: Application for determination pursuant to Part 24 Class A of the Town and Country Planning Act (General Permitted Development) Order 1995 as to whether prior approval is required for the installation of a 12.5m monopole and an associated equipment cabinet.

Level of DBC Decision: Delegated

Decision: Dismissed

The Inspector was unconvinced on the evidence provided that there would be no suitable alternative height or location for the base station. It was concluded that the visual harm the proposal would cause in the locality, including its impact on the outlook from nearby housing, would not be outweighed by the need for the location, and that the proposal would conflict with the requirements of policy B1.

Address: Rear of Cill En Ard, Main Road, Longfield

Proposal: Erection of a detached 5 bedroom house with a detached double garage

Level of DBC Decision: Delegated

Decision: Allowed

The Inspector noted the policy stating that the local planning authority will seek to achieve 50% affordable housing where developments are proposed for 2 or more residential units in villages including Longfield Hill. The application is clearly for a single unit, to be constructed within the domestic garden owned by the appellant. The requirement for the off-site works does not alter this, and it appears that the policy makes no provision for linking development sites in order to ensure that the threshold for affordable housing provision will be reached.

The Inspector concluded that there is no justification for attempting to apply an unadopted policy which would appear likely to frustrate housing development on the appeal site, thereby prejudicing its potential contribution to the important national objective of making best use of

previously developed land, which could otherwise be achieved in a manner which the Council considers acceptable in other respects.

After viewing the site from a number of locations at Oak Hill, the neighbouring property, he concluded that the development would not have an impact sufficient to justify the refusal of planning permission.

Address: 10 The Old Yews, Longfield

Proposal: Erection of a detached garage

Level of DBC Decision: DC Board

Decision: Dismissed

The Inspector noted that the proposed garage would back onto that belonging to 9 The Old Yews and would effectively prevent any maintenance being carried out to the rear wall of that garage. Of itself this would not be a reason to withhold permission, although it was a contributory factor.

The design and the form of the roof would be at odds with the quality of its surroundings, exacerbated given the forward projection of the garage. Its proximity to a protected tree would erode the open character provided by the landscaped area adjoining the driveway leading to 10 and 11 The Old Yews. There would be views into the garage from the front living room and bedroom windows of No 11. The presence of the garage would impact upon the existing open outlook and there would be views directly into the garage itself should the door be left open. The impact upon the visual amenities of the occupiers of No 11 was a further reason for rejecting this proposal.

Address: Former West Hill Hospital Site West Hill Dartford

Proposal: Amendment to layout of planning permission DA/05/00283/FUL (mixed redevelopment of the site including 239 dwellings) to permit the erection of 2no: 3 storey blocks of flats with roof dormers providing 19 no: 2 bedroom, and 16 no: 1 bedroom apartments (deletion of 11 no: houses and replacement with 35 apartments - net increase 24 units) together with 34 parking spaces (revised site total 263 units).

Level of DBC Decision: Delegated

Decision: Dismissed

The Inspector did not accept that the proposal would materially enhance distant views of the site or replacement of houses on the south side of the open space with an apartment block would enhance views from the adjoining open space or provide an improved end-stop. He considered that increased height and bulk south of the open space would detract both from it and its surroundings while increasing shading particularly in the area proposed for a children's playground and would adversely affect the footpath close to the block.

The Inspector did not accept that the architectural improvements sought by the appellants outweighed the harm identified and felt that the impact on those properties to the east and north east of the appeal proposal would be dominated by its bulk and impact. The open space within the courtyard would not receive satisfactory sunlight.

Address: Dennis of Bexley Unit R1 Maplehurst Close, Bexley

Proposal: Application for Variation of Condition 3 of Planning Permission DA/04/00840/FUL in respect of retention of extractor fan on plant room at rear of property

Level of DBC Decision: DC Board

Decision: Allowed

The cowl has been painted black since the Council's decision was made and in this colour, the Inspector took the view that it does not look out of place on the plant room. Moreover, although it can be seen from the nearby cycle way and footpath, it is partly concealed behind a grass bank and trees and is relatively unobtrusive against the backcloth of the main building. Its appearance was considered acceptable.

There was a clearly audible fan noise in Chapel Walk and a distinct drone from outside the nearest properties on the opposite side of Maplehurst Close. The Inspector decided that the fan may be retained provided work is carried out within a period of time to reduce the noise referred to above. A condition has been imposed to that effect. A time limited condition was also imposed because there is a risk that significant noise could penetrate inside and to the back gardens of the houses at times when the background noise is lower.

Address: 113 Shepherds Lane, Dartford

Proposal: Retention of a replacement 1.9m high front boundary wall and railings

Level of DBC Decision: Delegated

Decision: Dismissed

The Inspector concluded that the design of the wall, gate and railings were of good quality and match the house but that look out of place in the street scene in the Area of Special Residential Character. There was also concern about the cumulative impact on safety as the wall and railings could obstruct visibility.

Address: Land Adjacent 1 Uphill Cottages, Main Road, Longfield

Proposal: Outline application for the erection of a 2/3 bedroom detached house

Level of DBC Decision: Delegated

Decision: Dismissed

The Inspector concluded that the proposal would harm the openness of the Green Belt and constitute inappropriate built development, encroaching into the countryside. No very special circumstances existed to overcome this objection.

Address: 11 Festival Avenue, Longfield

Proposal: Erection of a detached double garage in front garden

Level of DBC Decision: DC Board

Decision: Dismissed

The Inspector decided that the garage might be typical of those found in modern residential developments, but would be out of keeping with the existing built pattern of development in Festival Avenue where garages are generally located to the side of the dwellings. It would have a materially harmful effect on the character and appearance of the street scene, in conflict with adopted policies.

Address: 15 Festival Avenue, Longfield

Proposal: Erection of a detached double garage in front garden

Level of DBC Decision: DC Board

Decision: Dismissed

The Inspector decided that the garage might be typical of those found in modern residential developments, but would be out of keeping with the existing built pattern of development in Festival Avenue where garages are generally located to the side of the dwellings. It would have a materially harmful effect on the character and appearance of the street scene, in conflict with adopted policies.

Address: 26 Fawkham Avenue, Longfield

Proposal: Application to remove 1 Lime tree subject to Tree Preservation Order No. 3 1979

Level of DBC Decision: Delegated

Decision: Dismissed

The Secretary of State accepted the Inspectors findings that the tree does not obscure sunlight/daylight to an unreasonable extent. There is no evidence to suggest that the tree is unstable or represents an unusual or unreasonable risk. The amenity value of the tree is such that its removal would have a detrimental effect on the local area and on balance the proposal to fell the tree is not justified.