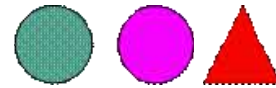


30 Providence Street, Greenhithe, Kent DA9 9AA



CHRISTOPHER
COWLEY AND
ASSOCIATES

Date : 05 November 2023

Our client has spoken to a Case Officer at the Council who has informed her that we should resubmit the Planning Application before December 2023.

In the meantime another similar development has been completed diagonally across the road. Reference : 21/01544/FUL

Pam Turner,

DA/22/00811/FUL – No 283 Lowfield Street, Dartford, Kent DA1 1LB

Our client received the Notification of Refusal of her previous Planning Application dated the 9th of December 2022

Notification of Refusal of permission to Develop Land TAKE NOTICE that the DARTFORD BOROUGH COUNCIL, the district planning authority under the Town and Country Planning Acts, HAS REFUSED TO PERMIT development of land situated at 283 Lowfield Street Dartford Kent DA1 1LB Referred to in your application for permission for development registered on the 6th July 2022 And being Erection of a 3 bedroom house on land to the side of the existing house and provision of parking area to front of existing house As shown in;

D04 D Proposed Elevations & Section BB; P BP Proposed Block Plan Final; D03D REV D Proposed Site, Floor & Roof Plans & Site Location Plan And that the grounds for such refusal are:-

01 The benefits of providing a new dwelling are reduced by the Council's ability to demonstrate a 5-year housing land supply.

The disbenefits of the development therefore clearly outweigh the benefits of developing this windfall site in terms of the loss of garden land, severe reduction to No.283's amenity space which is harmful to their amenities, the harm to the character of the area, poor

quality garden space for the new dwelling, unsatisfactory access and insufficient parking provision. As such the development is contrary to policies CS1 and CS10 of the Core Strategy, Policies DP2, DP4, DP5, DP6, DP7 and DP8 of the Dartford Development Policies Plan and M1, M2, M9, M10, M11, M16 and M17 of the emerging draft local plan.

02 The proposed parking for 283 Lowfield Street, by virtue of the width of the footway and lack of turning space within the site would lead to vehicles turning on the footway thereby compromising pedestrian safety. This is contrary to adopted policy DP4 and M16 and M17 of the emerging draft local plan.

Civic Centre, Home Gardens, Dartford, Kent DA1 1DR Switchboard: (01322) 343434 Web: www.dartford.gov.uk

INFORMATIVES:

01 If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on Dartford Council's Website (<http://tinyurl.com/DartfordCIL>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from www.planningportal.gov.uk/cil) to the Council before commencement to avoid additional interest or surcharges.

If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.

Working positively and proactively:

In reaching a decision on this application, the Borough Council has implemented the requirements of the National Planning Policy Framework in order to secure developments that improve the economic, social and environmental conditions of the area.

Signed..... Dated this 9th December 2022 Head of Planning

Services

Your attention is drawn to the notes attached.

Our client wishes to respond to the stated reasons upon which the decision to refuse the original Planning Application were based as outlined in the Letter of Refusal

- 1 The benefits of providing a new dwelling are reduced by the Council's ability to demonstrate a 5-year housing land supply.

The Council may be able to prove that there is a 5-year housing supply, but yet it still continues to approve other developments in the same vicinity like the following for example:

[17/01785/FUL | Erection of a three bedroom detached house including means of access and two car parking spaces | Adjacent 25 Beech Road Dartford Kent DA1 2RG](#)

17/01785/FUL | Erection of a three bedroom detached house including means of access and two car parking spaces | Adjacent 25 Beech Road Dartford Kent DA1 2RG

These approved units have “Smaller Gardens than the application property”.

[21/01544/FUL | Erection of a pair of two storey 2- bedroom semi-detached houses together with associated off-street car parking spaces, amenity space and shed and cycle stores | Rear Of 281 Lowfield Street, Adjacent 2 Myrtle Road Dartford Kent DA1](#)

21/01544/FUL | Erection of a pair of two storey 2- bedroom semi-detached houses together with associated off-street car parking spaces, amenity space and shed and cycle stores | Rear Of 281 Lowfield Street, Adjacent 2 Myrtle Road Dartford Kent DA1

These approved units have “Smaller Gardens than the application property”.

Allowed on Appeal Ref: APP/T2215/W/22/3291448

This has created a precedent and it will be unreasonable to penalise our client and allow other similar developments to continue.

England as a whole is experiencing a severe housing shortage and there are also numerous variations within the various segments based on location, proximity to amenities, value, number of bedrooms etc.

It is actually unbelievable that this can even be a consideration related to a planning application. It is like telling the poor or a hungry person that “I have enough food therefore you are not entitled to eat”.

It is a discredited reason and does not stand up to scrutiny and appeal. Dartford Council should actually be ashamed at even using it to stifle development and they are aware of it considering for example that 21/01544/FUL above was approved on appeal.

Reference article www.plainview.co.uk

December 11, 2015 By [Plainview Planning](#) [Five year housing land supply should not preclude development on new sites | Plainview Planning](#)

Five year housing land supply should not preclude development on new sites



There seems to be an increasing trend for councils to refuse applications for housing when they can demonstrate a 5 year housing land supply. This negative position is not in accordance with the NPPF and several recent appeals make quite clear that a 5 year housing supply is not an upper-cap.

Local plan deadlines

In October of this year the government announced that councils must produce local plans for homes in their area by 2017. Those that do not have a NPPF approved local plan in place by 2017 will have their plan decided and implemented by the government.

At the time of writing 65% of local councils have a fully adopted, NPPF approved, local plan in place. This means that at the time of adoption they are also able to identify a 5 year housing land supply (5YHLS).

As these new local plans begin to settle, it is interesting to see how both the government and local authorities are responding to the practicalities of what being able to demonstrate a 5YHLS actually means.

The practicalities of a demonstrated 5 year housing land supply:

A number of key decisions made at appeal this year highlight that council reasoning for refusing new sites for sustainable housing development, on the basis of having a 5YHLS, is not standing up to scrutiny.

An increasing number of appeals are directly making reference to the fact that 5YHLS is not a maximum but a minimum target.

This coincides with guidance on the review process councils need to undertake in order to ensure the housing land supply is kept up to date. They are required to produce an annual trajectory of how many homes they plan to build in their area which must be reviewed regularly, ideally every year. This implies they must continue to be open to new and sustainable development sites and ensure that they continue to hit and surpass their target quotas.

Presumption in favour of sustainable development still stands

Most recently, in a called-in appeal in Cherwell the Secretary of State allowed permission for 215 homes. The application had been refused on the grounds that Cherwell could demonstrate only 5YHLS and their neighbourhood plan resisted developments larger than 20 homes. However, the Secretary of State responded:

“The proposal would be sustainable development and paragraph 187 of the Framework states decision takers should seek to approve applications for sustainable development where possible.”

And another appeal in Shropshire saw 215 homes allowed outside the settlement boundary on the grounds that the proposal constituted sustainable development and generally accorded with the local development plan. The Inspector identified that they could demonstrate a healthy 5 year housing land supply but also conceded that: ***“the existence of a 5YHLS is no impediment to the grant of permission for the development in view of the foregoing conclusions in its favour.”***

- 2 The proposed parking for 283 Lowfield Street, by virtue of the width of the footway and lack of turning space within the site would lead to vehicles turning on the footway thereby compromising pedestrian safety.

The parking arrangements could easily have been resolved if any meaningful conversations were held with the applicant and/or her representative(s). A simple solution will be to provide access and parking at the rear of both properties off the side road i.e Myrtle Road. Our client will be happy to accept it as a condition had the Council communicated or asked for it. She is still willing to accept and provide parking in this manner.

Note : Our client has addressed this issue in the new layout as contained in this new Resubmission.

- 3 If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise.

Our client is aware of the CIL requirements and completed the required CIL Questionnaire as part of the application.

Note: The completed CIL Forms are part of the original and this resubmission

- 4 Working positively and proactively. This never took place during the previous application nor did it during the consideration period. The original application was considered in silence and without any consultation and the outcome cannot be framed as “working positively” nor does it in any way constitute a policy of “in favour of development”. The proposal is sustainable development.
- 5 The loss of garden land, severe reduction to No 283's amenity space which is harmful to their amenities, the harm to the character of the area, poor quality garden space for the new dwelling.

The proposed garden space allocated to the original house known as No 283 Lowfield Street, Dartford DA1 1LB is actually significantly larger than that of adjoining properties no's 286, 287, 291, 293, 297 etc and no's 278, 280, 282, 284, 286, 288, 290, 292 and 294 further up on the opposite side of the street as shown on the Site Locality Map as submitted. This is just to mention a few examples in the same street.

The garden of the proposed new unit will be at least 80 square metres larger than that of the remaining original unit. This reason for refusal is ill-considered, arbitrary and simply not accurate.

The proposed house is of the same profile, design, materials and character of all the existing houses in the group and the street. How can it possibly cause “harm to the character of the area?”

A full list of the documents attached to the original Planning Application is as follows:

DELEGATED REPORT SHEET

Decision Notice 09 Dec 2022 REFUSED

D03 D REV D PROPOSED SITE, FLOOR & ROOF PLANS

SITE LOCATION PLAN

EX BP EXISTING BLOCK PLAN FINAL

P BP PROPOSED BLOCK PLAN FINAL

D01 D EXISTING SITE, FLOOR & ROOF PLANS

D02 D EXISTING ELEVATIONS AND SECTION A-A

D04 D PROPOSED ELEVATIONS & SECTION B-B

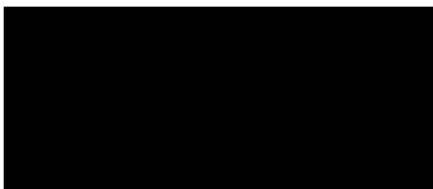
CIL QUESTIONNAIRE

RESIDENTIAL SPACE STANDARDS STATEMENT FINAL

PHOTOS

Should any additional information or clarification be required, please do feel free to contact us.

Yours faithfully



30 Providence Street

Greenhithe

Dartford

Kent DA9 9AA