
Appeal Decision

Site visit made on 31 October 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 November 2016

Appeal Ref: APP/D5120/W/16/3156151
8 Bedens Road, Sidcup, Bexley DA14 5JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Atkins against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/00112/FUL, dated 23 March 2016, was refused by notice dated 31 March 2016
 - The development proposed is the construction of 2 x semi-detached houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon (i) the living conditions of the occupiers of the proposed dwellings and the surrounding dwellings on Davis Way/ No 8 Bedens Road in respect of outlook, privacy and outside amenity space; (ii) the character and appearance of the area and (iii) highway safety in respect of car parking provision and access arrangements.

Reasons

Site and proposal

3. The appeal site comprises a triangular shaped piece of open side garden land on a corner plot and which is associated with No 8 Bedens Road which is a semi-detached house. There is a similar triangular shaped and open piece of garden land on the other side of Bedens Road and collectively these areas give some open relief to the otherwise built up residential area. Immediately to the rear of the site, and abutting its rear boundary, is part two/part three storey residential development off Davis Way.
 4. It is proposed to erect two semi-detached dwellings (one three bed and one two bed) with hipped roofs and including block paving to the front for the parking of three cars. Existing car parking space would be retained for No 8 Bedens Road. A new vehicular access would be formed in front of proposed dwelling No "8a".
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Living conditions

5. In respect of proposed dwelling No 8a the main habitable room windows would be positioned on the side elevation and would face onto the proposed side garden. Whilst there would be windows on the rear elevation, which would be in very close proximity to the rear windows of residential accommodation off Davis Way, the first floor window would be to a bathroom and hence this would not be a habitable room. Furthermore, it would be possible to fit opaque glass to such a window. Taking these factors into account, I do not consider that the occupiers of dwelling No 8a would therefore unacceptably overlook properties on Davis Way.
6. I have taken into account the scale of the development for No 8a and its very close proximity to the rear elevation windows and outside amenity areas of the residential development off Davis Way (particularly No 2). Given the scale and proximity of No 8a to such development, I consider that the proposal would have a significantly dominating and enclosing impact when viewed from the outside amenity space of No 2 Davis Way. I do not consider that the impact of the development would be as severe when viewed from the rear windows of No 2 Davis Way as most are opaque glass. However, this does not overcome my conclusion relating to the adverse impact upon the occupiers of No 2 Davis Way when using their outside amenity area.
7. In respect of proposed dwelling No 8b, whilst the first floor rear bathroom window may be capable of being fitted with opaque glass, the angled bay window to the first floor bedroom would only include opaque glass on one side (thereby addressing privacy concerns in respect of proposed dwelling No 8a). On the other side it would be clear glass and given the very close proximity of such a window to the rear garden (ie patio) of No 8 Bedens Road, I consider that there would be significant overlooking to the detriment of the living conditions of the occupiers of No 8 Bedens Road. I do not consider that it would be acceptable to have opaque glass to this entire window as this would serve a habitable room which would have only one window opening.
8. I note that the proposed two dwellings would meet internal space standards as required by the London Plan 2016. Whilst there is some conflict with the Council's "Design for Living" Residential Design Guide Supplementary Planning Document 2006 (SPD), as the third single bedroom in proposed dwelling No 8b would measure 7.2 square metres, I do not consider that such conflict would justify refusal of planning permission. This is because the London Plan 2016 is more up to date, has taken into account the National Space Standards, and overall the dwelling would accord with gross floorspace requirements.
9. However, and notwithstanding the above, the outside amenity space for proposed dwelling No 8b would constitute a very small garden area for a dwelling of the size proposed. In this regard, the proposal would not accord with Policies H6 and H7 of the Bexley Council Unitary Development Plan 2004 (UDP).
10. Whilst internal space standards would be acceptable, I conclude that unacceptable harm would be caused to the living conditions of the occupiers of the proposed dwellings, and surrounding residential properties, in respect of loss of outlook. In respect of No 8 Bedens Road there would be a material loss of privacy. Furthermore, the outside amenity space for the future occupiers of proposed dwelling No 8b would be too small. For these collective reasons, the

proposal would not accord with the amenity aims of saved Policies H6, H7 and ENV39 of the UDP and Policies CS01 and CS05 of the Bexley Core Strategy 2012.

Character and appearance

11. The proposed dwellings would be similar in design/appearance terms to other semi-detached dwellings in the immediate locality. Furthermore, they would follow the building line of No 8 Bedens Road. In these respects, the proposal is acceptable.
12. The Council has referred to the loss of a highway tree as a result of the creation of a new access from Bedens Road. However, the plans show that this tree would be retained. As part of my site visit, I was able to see that this an attractive and mature tree which, along with a number of other highway trees in Bedens Road, adds positively to the amenity of the area. However, I do not have enough information from the appellant to establish whether or not it would be possible construct a new access without harm being caused to the root system of the highway tree.
13. In addition to the above, the site currently provides an open break and relief to an otherwise built up residential area. The dwellings would be positioned tight up to the rear and side boundaries of the site and would be unacceptably and closely aligned with residential development to the rear (off Davis Way). Whilst I do not doubt that it would be possible to erect some form of residential development on this site, in this instance I consider that owing to the scale, massing and position of the development it would appear cramped and out of place in the locality. This harm would be compounded by the fact that to the front of the dwellings it would essentially be hard standing area for the parking of vehicles. There would be limited opportunity for soft landscaping and the amount of parked cars to the front of the dwellings would create a very harsh environment.
14. For the above reasons, I conclude that the proposal would have a detrimental impact upon the character and appearance of the area. Whilst it may be possible to construct a new access without causing harm to the highway tree, without further details it has not been possible for me to fully consider this matter. The development would not therefore accord with the design aims of the National Planning Policy Framework; Policy 3.5 of the London Plan 2016; Policies CS01 and CS06 of the Bexley Core Strategy 2012; saved Policies ENV39, H3, H8 and T17 of the UDP and the SPD.

Highway safety

15. The Council has raised concerns about potential rights of access over land owned by another party. I am not aware of the exact details relating to land ownership, although according to the Council the grass verge on Bedens Road is owned by another party. As far as I am aware the correct owner certificates have been completed and the grant of planning permission would not override the need to separately ensure that rights of access have been secured over relevant land. Had the proposal been acceptable in all respects, it may have been possible to have controlled this issue by way of a planning condition which required any access/parking area to be formed prior to the erection of any of the dwellings and thereafter retained/made available in perpetuity.

16. Notwithstanding the above, the two car parking spaces to the front of proposed dwelling No 8b would require the shared use of the access driveway to the host dwelling. I do not consider that this is a satisfactory parking arrangement as there is potential for the "blocking in" of vehicles if the occupiers of the host dwelling were to use the full extent of the driveway. In the absence of any information from the appellant to demonstrate how this matter would be resolved, I consider that the proposal would encourage future residents to either park on the surrounding streets and/or to undertake the regular manoeuvring of vehicles in close proximity to a highway junction and a pavement. I do not consider that it would be acceptable for this proposal to place additional pressure on on-street car parking in an area where on street car parking is limited due to a number of accesses and the existence of a traffic regulation order.
17. In addition to the above, only one off street car parking space is proposed for No 8a Bedens Road when Policy T17 (including Annex 1) of the UDP would require a maximum of two. I have no reason to doubt the Highway Authority PTAL scoring of 1a (ie very poor). Therefore, in this location I consider that two car parking spaces should be provided for No 8a. Without such on-site car parking provision it is likely that there would be some on-street car parking. This would lead to unacceptable vehicular and pedestrian conflicts given my findings about use of the host dwelling's shared driveway.
18. For the above collective reasons, I conclude that car parking provision and access arrangements would be unacceptable and hence that the proposal would cause significant harm to matters of highway and pedestrian safety. The proposal would not therefore accord with the highway safety and car parking aims of saved Policies T17, H8 and ENV39 of the UDP and Policy CS15 of the Bexley Core Strategy 2012.

Other Matters

19. The appellant has referred me to the part two and part three storey development which appears to have recently been built at the rear of the appeal site (off Davis Way). I accept that in terms of scale this development is larger than the appeal proposal. However, I have considered the relationship of the appeal development with this development as well as its overall effect upon the character and appearance of the area and the living conditions of the occupiers of future occupiers of the dwellings and surrounding dwellings. In these respects, the proposal is unacceptable. The existence of the development off Davis Way does not outweigh my conclusions on the main issues. I have determined this appeal on its individual planning merits.

Conclusion

20. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR