
Appeal Decision

Site visit made on 11 October 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 4th November 2016

Appeal Ref: APP/D5120/W/16/3153629

Race House, Queen Street, Bexleyheath, Bexley DA7 4BT

- 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 Clive Stuchbery against the decision of the Council of the London Borough of Bexley.
 - The application Ref 15/02523/FUL, dated 2 November 2015, was refused by notice dated 12 January 2016.
 - The development proposed is demolition of existing work shop, the redevelopment of four 2bedroom self-contained apartments over garages, associated parking, cycle store and bin store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant refers in his statement to baseline 5.2.1 of the Housing Supplementary Planning Guidance (SPG) 2012, however I have been provided with the 2016 version of this document and this paragraph does not appear to be included within the updated version of the SPG.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the development on: -
 - (a) The character and appearance of the area;
 - (b) The living conditions of adjoining occupiers in relation to outlook and daylight;
 - (c) Whether the proposed apartments would provide satisfactory accommodation for occupiers; and,
 - (d) Whether satisfactory waste and recycling facilities would be provided.

Reasons

The character and appearance of the area

4. The area is characterised by a mix of development including commercial/light industrial buildings, a public house, terraced two-storey Victorian properties and parking areas. There are some single-storey units opposite the appeal site
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on Queen Street. The surrounding development is generally of two-storey height, as is the existing building at the appeal site. The proposal, being three-storey with a footprint that would occupy the majority of the appeal site and designed as a single block, would be a substantial building. Whilst there is no uniform character to the development in the immediate area, the increase in height and overall scale and massing of the proposal would not reflect the scale of development in the surrounding area. Despite being a corner site and of brick construction incorporating glazed balconies and vehicular access to the front elevation facing Queen Street, the proposal would be out of keeping with the development in the area. The height, scale and massing would have a harmful visual impact to both the street scenes of Queen Street and Princess Street. The proposal would be clearly visible to the occupiers of surrounding residential properties and to the employees and visitors of the commercial buildings close by.

5. Although the proposed development would screen the building (Marstan Press) to the south of the appeal site, any merit this would have in street scene terms would not outweigh the harm I have identified above or justify the proposal.
6. For these reasons I conclude that the proposal would be harmful to the character and appearance of the area. The proposed development would be contrary to Policy 3.5 of the London Plan, Policies CS01 and CS02 of the Bexley Core Strategy (the Core Strategy), Policies H3, H6 and ENV39 of the Bexley Council Unitary Development Plan (UDP) and the Design For Living Document. These seek new development to be of a height and mass that enhances the character of the surrounding locality and have no adverse effect on the street scene by reason of scale, massing, height, layout, elevational treatment and materials, amongst other matters. The proposed development would be contrary to the aims of paragraphs 17 and 57 of the National Planning Policy Framework (the Framework) that seek to secure high quality design.

The living conditions of adjoining occupiers

7. The proposal would be significantly taller than the existing building at the appeal site which currently extends the full depth along the eastern boundary. Despite the proposal being stepped in from this boundary and increasing the separation of development from Nos 42 and 44 Church Road, the height and mass of the flank elevation, would be significant and would be clearly visible to the occupiers of Nos 42 and 44 Church Road. The proposal would have a substantial overbearing effect on the outlook from these dwellings and their rear gardens. Whilst the flank elevation would incorporate balconies at its northern end, this would not diminish the impact of height and bulk. Although, due to the set back, the proposal would maintain daylight to these dwellings, the proposal would have a harmful and dominant effect upon the living environment of these adjoining occupiers.
8. I note the appellant's reference to a previous dismissed appeal decision at this site, reference APP/D5120/A/01/1076518. I have not been provided a copy of this decision despite asking for one. However, this proposal relates to a development of reduced height and, as such, this appeal should be considered on its own merits. Even if the proposal is lower than the previous scheme this does not overcome the concerns that I have identified above.
9. For these reasons I conclude that the proposal would be harmful to the living conditions of adjoining occupiers. The proposed development would be

contrary to Policies G7 and ENV39 of the UDP, which seek all development to meet high standards of design, construction and layout and not to prejudice the environment of the occupiers of adjacent property, amongst other matters.

Satisfactory accommodation for occupiers

10. Each unit would have window openings in the north and south elevations. The main outlook from the lounge and bedrooms would be to the north on to Queen Street. The kitchen and dining areas of each apartment would have a window in the south elevation, whilst the bathrooms and WCs in the same elevation would each have a high level window. Whilst the Council indicate a desire to obscure glaze and restrict these windows to be top opening only to prevent overlooking of residential gardens in Church Road, the drawings do not indicate these windows on the south elevation to be obscure glazed and top opening. I must therefore consider the scheme that is before me. The windows in the south elevation would be at right angle to the gardens of houses in Church Road and it would not be reasonable or appropriate for those windows serving main habitable rooms to be fitted with obscure glazing. These windows would facilitate sunlight/daylight and outlook from these rooms. I cannot thus conclude the apartments would be single aspect north facing units or that the proposal would result in a poor level of amenity for occupiers. Notwithstanding the issue of single aspect development, the windows in the southern elevation would provide outlook onto the roof of the adjacent commercial building (Marstan Press) and would not, in my opinion, create harmful overlooking of residential gardens.
11. The Council's SPD Design For Living seeks flatted development to have amenity space of a minimum of 45% of the plot, including, balconies, decks and roof gardens. Where balconies are the only private outdoor space, as is the case here, this document indicates they should be wide enough to accommodate seating and have direct access to sunlight. The SPD also indicates that in exceptional circumstances lower space standards may be accepted where alternative means of amenity have been provided or where there is a range of alternative relational and leisure pursuits within walking distance.
12. It is clear to me that as the footprint of the proposed building would occupy most of the appeal site the only useable amenity space for occupiers would be limited to that of a balcony provided for each unit. The balconies, being north facing, would not benefit from direct sunlight over the course of the day. Whilst each balcony could provide an outdoor sitting area for occupiers, the proposed development offers little scope for recreational enjoyment. The apartments are two-bedroom and therefore could be occupied by a family. No evidence is before me that would indicate alternative public opportunities for outdoor recreational enjoyment are available within walking distance that would compensate for the limited provision offered by the proposal. Whilst the apartments would be acceptable in terms of the size of units and room sizes as they would exceed the minimum standards in the London Plan, I consider inadequate on-site usable amenity space would be provided for occupiers.
13. For these reasons, despite my finding that the proposed units would have a satisfactory outlook, I conclude on the third main issue that the proposal would not provide satisfactory accommodation for occupiers. The proposed development would be contrary to Policies H3, H6 and ENV39 of the UDP and the Design For Living Document SPD, which seek all development to be of a

high standard of design and layout and should normally provide adequate usable on-site amenity space, amongst other matters. However, I cannot conclude that there would be conflict with London Plan Housing SPG 2016 in regard to the standard of accommodation.

Satisfactory waste and recycling facilities

14. The Council is concerned that residents would have to walk outside around the edge of the building to deposit rubbish. There would be space between the proposed building and the side boundary of the appeal site that could accommodate such facilities a short distance from the communal entrance to the apartments. To my mind this would not be an unreasonable location for such provision of waste and recycling facilities. The area available to the side would run the full depth of the proposed building. I have no reason before me that would suggest that waste and recycling facilities could not be satisfactorily accommodated in this location and could adequately be dealt with by condition.
15. Overall on this issue, I consider that the proposal could provide satisfactory waste and recycling facilities. Subject to the imposition of a condition the proposed development accords with Policy ENV39 of the UDP which seeks new development to be of a high standard of design and layout, amongst other matters.

Other Matters

16. The proposal would provide additional homes within the urban area in a sustainable location that would contribute to the overall tenure mix. The scheme would contribute four dwelling to the Borough's overall housing supply and I attach this consideration considerable weight. I have also taken account of the unmaintained nature of the site and potential danger to other road users and pedestrians as Queen Street is a one-way highway. I am satisfied that any uplift in traffic generation would be low and that highway safety would not be materially compromised. I note the comment from Marstan Press relating to residential development not being appropriate in such close proximity to their business; however the Council did not find contention on this point.

Conclusions

17. Despite my positive finding on the fourth main issue, my conclusions on the other main issues lead me to conclude overall that the appeal should be dismissed. In reaching my conclusion I have taken account of all other matters that have been raised in the representations.

Nicola Davies

INSPECTOR