

Appeal Decision

Site visit made on 11 April 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/D5120/D/17/3166703
47 Parkhurst Road, Bexley DA5 1BA

- 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 Kolawole Raji against the decision of the London Borough of Bexley Council.
 - The application Ref 16/02352/FUL, dated 21 September 2016, was refused by notice dated 22 December 2016.
 - The development proposed is for the erection of a two storey front extension incorporating a garage, to the existing bungalow and alterations to the roof line of the existing bungalow to include a rooflight on each side roof slope and a window on the side elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey front extension incorporating a garage, to the existing bungalow and alterations to the roof line of the existing bungalow to include a rooflight on each side roof slope and a window on the side elevation at 47 Parkhurst Road, Bexley DA5 1BA, in accordance with the terms of the application Ref 16/02352/FUL, dated 21 September 2016 subject to the conditions as set out within the schedule attached to this decision.

Main Issue

2. The main issue in this case is the effect of the appeal proposal on the character and appearance of the area, including the setting of the Parkhurst Conservation Area.

Reasons

3. The site is situated within a well conserved residential street, mainly comprising quite substantial detached and semi-detached houses, these are located within the Conservation Area, with the appeal site being just outside, but immediately adjacent to its south eastern boundary. To the north east are two pairs of semi-detached houses, these are of a more suburban style, but nonetheless are of an interesting design with leaded flat roof bay windows rising out of single storey lean-to roofs to their front elevations, being design features that the appeal proposal seeks to emulate.
4. The appeal dwelling is set back further from the road than its immediate neighbours such that I consider that it is currently a regressive feature in the street scene and whilst a good example of its time, I have not been made aware of any policy basis for the preservation of bungalows in such circumstances. I say this,

notwithstanding the fact that I acknowledge that it does contribute to the varied streetscape along Parkhurst Road, although this is at best a neutral contribution.

5. I found on my site visit, that those dwellings on the opposite side of the road are generally of a quite grand scale and the appeal property as extended would not compete with these visually. Consequently, I consider that the proposal would not adversely affect the character of the Conservation Area, by virtue of its bulk, height, design and appearance. Further, I consider that the proposal would result in a harmonious addition to the street scene.
6. I also note that the proposal before me is identical to a planning permission granted in September 2013 (Ref. 13/00999/FUL) and that there has been no material change in the policy context in relation to this form of development, nor any change in local circumstances, the land designation, or the wider environment along Parkhurst Road. As a material consideration I give this significant weight.
7. Having regard to the above, I consider that the proposal would not have a detrimental affect upon the setting of the Conservation Area and it would not adversely affect the character or appearance of the wider locality. Quite a long list of policies have been cited by the Council as being conflicted against the proposal, but in summary I find that the proposal complies with Policies 7.4 and 7.8 of the London Plan which require buildings to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, are human in scale, and require developments to conserve the settings of heritage assets by being sympathetic to their form, scale, materials and architectural detail.
8. The proposal also complies with Policy CS05 of the London Borough of Bexley Core Strategy February 2012, by ensuring that Conservation Areas are promoted and protected or enhanced, and ensuring that areas that are characterised by mainly semi-detached and detached family housing are retained and, where impossible, improved. Furthermore, I find that the proposal complies with Policies H3, H9 and ENV39 of the Bexley Council Unitary Development Plan (2004) which essentially support the above policies and require developments in primarily residential areas to be compatible with the character of the existing building and adjacent buildings and with the surrounding area in general.

Other Matters

9. Concerns raised by third parties include whether the property as extended would be utilised as a House of Multiple Occupation (HMO) due to the number of bedrooms and bathrooms proposed. Reference is made to an eight bedroom property being created, however, the plans before me identify six bedrooms, including bedroom no1 identified on the proposed ground floor plan with en-suite bathrooms serving it, as well as those bedrooms numbered 1, 2 and 3 on the proposed first floor.
10. Whilst I accept that the number of bathrooms could be considered to be excessive, it is not necessarily out of character with modern-day proposals for large dwellings. However, in the event that the dwelling be used as a HMO, this could have a material effect upon the living conditions of surrounding residents. In addition, whilst I note that the Council raise no issue with regard to the scale of the overall proposal and I cannot consider the proposal to be overdevelopment of the site, the erection of outbuildings and/or further extensions could. I consider it necessary to remove permitted development rights for such developments.

11. Furthermore, reference is made to the impact that the proposal would have upon the living conditions of the occupants of neighbouring residential properties, however the Council raises no objection to the proposal in this regard, and I have been given no substantive evidence to come to a different conclusion on this issue either.

Conclusion and Conditions

12. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.
13. The Council have suggested a number of conditions to be imposed upon any grant of planning permission in addition to the standard time limit condition. These include those requiring the proposed external materials to be used in the construction of the extension to match those of the existing building, as well as stipulating that the development be carried out in accordance with the approved plans. I find these conditions both necessary and reasonable.
14. The Council seeks to remove permitted development rights for the insertion of further windows or other openings. I consider it unnecessary to prevent the insertion of further windows or openings due to the fact that at first floor level permitted development rights restrict new glazing to obscure glass, with no opening element below a height of 1.7m above the floor of the room in which they would be installed.
15. In addition, the Council suggests that permitted development rights be removed in respect of extensions and the erection of outbuildings, as well as prevention of the dwellinghouse being used as an HMO. As I have highlighted above, by virtue of the overall scale of the proposals already before me, and the fact that the dwelling in question could be used as an HMO at some point in the future, with such a use potentially having a far greater impact upon the character of the surrounding area, I impose conditions covering these matters.
16. I note that conditions 2, 4 and 5 within the Council's list of conditions make reference to details previously approved pursuant to the grant of planning permission 13/00999/FUL. However, the details pursuant to these are shown on the drawings annotated as Sheet 1 of 2 (Rev.A) and Sheet 2 of 2, and my condition no 3 below requires the development to be carried out in accordance with the approved plans, therefore it is not necessary to impose these. However, I impose the Council's suggested condition no3 from their list requiring the bathroom and WC windows to be fitted and maintained at all times with obscured glass, in the interests of protecting the living conditions of the occupiers of 45 Parkhurst Road from overlooking.

C J Tivey

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall not begin later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, Sheet 1 of 2 (Rev.A), Sheet 2 of 2 and Existing and Proposed Floor Plans and Elevations.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no change of use permitted by Class L of Part 3 of Schedule 2 of the 2015 Order (as amended), shall be made within the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.
6. The bathroom and WC windows shown on the approved plans shall be fitted and maintained at all times with obscured glass.