
Appeal Decision

Site visit made on 3 April 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/D5120/W/16/3167393

44 Baldwyns Park, Bexley, Kent DA5 2BA

- 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 Kamen Nikolov against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/02019/FUL, dated 16 May 2016, was refused by notice dated 14 September 2016.
 - The development proposed is the demolition of single storey bungalow and garage and construction of a five bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of single storey bungalow and garage and construction of a five bedroom house at 44 Baldwyns Park, Bexley, Kent DA5 2BA in accordance with the terms of the application Ref 16/02019/FUL, dated 16 May 2016, and subject to the conditions in the attached schedule.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal property is a modest detached bungalow with a detached garage to the rear located within a residential street. Properties within the street are largely substantial detached and semi-detached two storey houses or bungalows that extend across the width of the plot. No 46 to the west of the appeal site, is semi-detached, with a detached garage to the rear adjacent to the garage within the appeal site. No 42 Baldwyns Park, a detached two storey house to the east, is set significantly behind the rear elevations of the properties on either side, and has a long front garden.
 4. The proposed dwelling would be positioned in the same location within the plot as the existing bungalow. Thus it would sit forward of the dwelling at No 42, and would be broadly in line with the principal elevation of No 46. Although the dwelling would be slightly greater in height at eaves level than No 46, the roofridge height would be no higher than that property. The front gable would reference those of the semi-detached properties to the west, and the width and height of the dwelling would be comparable with other two storey properties within the surrounding area. Thus whilst it would be substantially larger in size
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than the existing bungalow, it would not be out of character with the surrounding area in terms of scale, massing, height or layout.

5. Roof accommodation is proposed. This would be apparent from the street due to the proposed window within the front gable and windows within the eastern flank elevation to serve a staircase. However, the plans indicate that this would not project out beyond the eaves overhang and would be lower than the roof ridge. Consequently whilst the pattern of fenestration is somewhat unusual, it would not be overbearing in appearance.
6. A range of materials is proposed to be used, including white render, brick, timber cladding, grey roof tiles and grey aluminium window frames. White render is common to many houses in the locality and there are also examples of timber cladding, such as the double height bay window and porch at No 56, a short distance to the west. Furthermore, the full details of materials can be agreed by means of a condition.
7. I concur with the Council that the design of the dwelling would be bold and striking. However Paragraph 60 of the National Planning Policy Framework states that planning decisions should not attempt to impose architectural styles or particular tastes, and for the reasons set out above I conclude that the proposal would not harm the character and appearance of the area.
8. It would thus accord with policies H3 and ENV39 of the Bexley Unitary Development Plan (2004). These policies require development, amongst other things, to be compatible with the character of the surrounding area and to not adversely affect the street scene by reason of scale, massing, height, materials or intensity of development.

Conditions

9. I have found that the proposal would be acceptable subject to certain conditions, framed with regard to the Planning Practice Guidance. In addition to the standard time limit I have specified the approved plans for certainty. Details of external materials are required to be submitted to and approved by the local planning authority to safeguard the character and appearance of the area.
10. A condition to prevent the use of the single storey flat roof to the rear as a balcony or amenity area is necessary to safeguard the amenity of neighbouring occupiers. Whilst permitted development rights should only be removed in exceptional circumstances, in this instance I agree with the Council that a restriction on permitted development rights for extensions is required, due to the size and scale and design of the proposed dwelling and its relationship with adjacent properties, in order to safeguard the amenity of neighbouring occupiers.
11. In addition I shall impose conditions requiring the provision and retention of a car parking area and visibility splays in the interests of highway safety.

Conclusion

12. For the reasons set out above I conclude that the appeal should be allowed.

Claire Victory INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PO1 Site Plan and Location Plan; PO2 Existing Floor Plans; PO3 Existing Elevations; PO4 Proposed Ground Floor Plan; PO5 Proposed First Floor Plan; PO6 Proposed Second Floor Plan; PO7 Proposed Roof Plan; PO8 Proposed Elevations.
- 3) Before development is commenced a schedule of materials and finishes and, where so required by the local planning authority, samples of such materials and finishes to be used for the external walls and roofs of the proposed building shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A or B, of Part 1 of Schedule 2 of the 2015 Order, shall be erected or made within the curtilage of the dwelling hereby permitted without the approval in writing of the local planning authority.
- 5) The roof area of the single storey element to the rear of the dwelling hereby approved shall not be used as a balcony, roof garden or similar amenity area at any time.
- 6) The use of the land for vehicle parking shall not be commenced until the parking areas accessed from Baldwyns Park has been laid out, surfaced and drained in accordance with details first submitted to, and approved in writing by, the local planning authority and shall be permanently maintained as such thereafter.
- 7) The space shown reserved for the parking of cars shall be used for, or available for, such use at all times.
- 8) Before the development hereby permitted is first occupied or brought into use the vehicle access shall be provided with that part of 2.4m x 2.4m pedestrian visibility splays that can be accommodated within the site and shall thereafter be maintained free of all obstructions to visibility between heights of 0.6m and 2m above the level of the adjoining highway.