



Appeal Decision

Site visit made on 16 May 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 27 June 2017

Appeal Ref: APP/D5120/W/17/3166799

20 Hawthorn Road, Bexleyheath DA6 7AE

- 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 Mrs Marister McSorley against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/01747/FUL, dated 8 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is the construction of a new 3 bed dwelling on land adjacent to 20 Hawthorne Road, Bexleyheath, Greater London, DA6 7AE.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of 24 Hawthorn Road having regard to outlook;
 - highway safety having regard to parking provision.

Reasons

Living conditions

3. The appeal site comprises a two storey detached dwelling with single storey rear extension and associated garden area. The dwelling is set away from the common side boundary with the neighbouring bungalow at 24 Hawthorn Road. No 24 has a side garage which abuts up to the common side boundary with the appeal site with the side boundary between the two sites marked by a brick wall to the rear of the garage with timber fencing beyond that. The part of the rear elevation of No 24 nearest to the appeal site contains a large glazed door.
4. The proposed dwelling would be constructed along the common side boundary with No 24 and would extend beyond the side garage and rear elevation of the bungalow. Although the submitted plans show that the two storey part of the proposed dwelling would not extend beyond a 45 degree line when taken from the mid- point of the glazed door at No 24, the single storey part of the dwelling would and it would be higher than the existing boundary wall along the common side boundary. Consequently whilst there would be no significant adverse effect on outlook resulting from the two storey part of the proposed

dwelling, having regard to the scale and position of the rear projecting single storey part of the proposed dwelling relative to the glazed door in the rear elevation of No 24, the proposal would significantly reduce the outlook from it.

5. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of 24 Hawthorn Road having regard to outlook. It is therefore contrary to Policy H8 of Bexley's Unitary Development Plan (UDP). This policy requires, amongst other things, new dwellings to be adequately separated from other dwellings in terms of their amenities. Whilst the Council's reason for refusal relating to living conditions also refers to Policy H9 of the UDP and to the Council's Design and Development Control Guidelines 2, this policy and these guidelines do not appear to be directly relevant to the proposal as they relate to residential extensions. Similarly whilst Policy CS02 of the Bexley Core Strategy (CS) relates to the Bexleyheath geographic region, it does not appear to be specifically relevant to the proposal.

Highway safety and parking

6. The dwelling has a side driveway that provides space for the off road parking of vehicles. A number of other dwellings along the road also have off road parking facilities with other dwellings with no such facilities. Hawthorn Road is the subject of parking restrictions and contains a number of resident permit holder only bays restricting parking between 0830 and 1730 Monday to Saturday and the road also has single yellow lines along part of its length. I understand that there is a proposal to extend the parking bay restrictions to also include Sundays. The appeal site is located close to the town centre, within walking distance of various services and facilities including public transport.
7. A Parking Statement (PS) was submitted with the application. The PS concludes that the proposed dwelling would be located in an accessible location which would reduce the need or desire of occupants to own a car; that the proposed loss of two on-site parking spaces would be partially offset by the removal of the existing crossover outside the site and that the parking survey has in any case demonstrated that there is substantial vacant kerbside parking space available in the vicinity of the site even at night when parking demand is at its heaviest.
8. The evidence within the PS has not been disputed by the Council with the Highway Authority accepting that the parking survey was carried out to the industry standard methodology. The Highway Authority was satisfied that there is sufficient parking on the road and on roads around the site to accommodate the number of cars likely to be generated by the proposal and did not raise any objections to the application. Though the findings and conclusions of the PS have been questioned by a number of local residents and by Councillors and whilst anecdotal evidence has been submitted regarding parking problems on Hawthorn Road and nearby roads, there is no substantive evidence before me to contradict the findings of the PS and the view of the Highway Authority with regard to parking capacity and no substantive evidence that there is existing car parking congestion.
9. Whilst I note that there is some anecdotal evidence from the Highway Authority and from local residents regarding daytime demand for resident permit holder bays, at the time of my visit which was during the daytime, spaces were

available within the resident parking bays on Hawthorn Road. Having regard to this and to the evidence included within the PS, I consider that were I allowing the appeal, there is insufficient justification for a condition prohibiting future residents of the proposed dwelling from obtaining parking permits to park in resident parking bays. Similarly whilst I note the average car ownership figures for the area provided by the Council, there is no evidence to demonstrate how these relate to the number of on and off street parking spaces available in the area and therefore how average car ownership applied to the proposal would affect parking demand in the area.

10. Taking the above matters into consideration, I conclude that whilst the proposal may increase parking demand on Hawthorn Road and the surrounding roads, having regard to the available evidence this increase is unlikely to result in a significant increase in parking congestion or a consequent adverse impact on highway safety. The proposal therefore complies with policies ENV39 and T17 of the UDP and Policy CS15 of the CS. These policies seek, amongst other things, to ensure that developments make adequate provision for parking. Whilst the Council's reason for refusal relating to parking also refers to Policy H3 of the UDP and to policy CS02 of the CS, these policies do not appear to be directly relevant to the proposal.

Other Matters

11. In reaching my decision I note the concerns raised by the appellant regarding the decision making process by the Council. However this is not a matter for me in determining the appeal. I also note that the layout and numbering of No 20 and No 24 appears to suggest that the site of the proposed dwelling may have originally been a building plot. However whilst I acknowledge this and have had regard to the fact that the proposal would provide an additional dwelling in an accessible location, the benefits of the proposal would not overcome the harm to living conditions that I have identified.

Conclusion

12. The proposal would not have a significant adverse effect on highway safety having regard to parking. However the proposal would have a significant adverse effect on the living conditions of the occupiers of 24 Hawthorn Road having regard to outlook. The proposal is therefore contrary to the development plan when taken as a whole.
13. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR