
Appeal Decision

Site visit made on 13 June 2017

by David Walker MA MRTPI

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

Decision date: 17th July 2017

Appeal Ref: APP/D5120/W/17/3169874

Land R/O 1 Lamorbey Close and 123a Halfway Street, Sidcup DA15 8BA

- 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 Teodosi Nikolov against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/02838/FUL, dated 21 November 2016, was refused by notice dated 31 January 2017.
 - The development proposed is erection of two x 2 bed detached chalet bungalows with associated amenity space and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have amended the address and description of the proposal to reflect that used by the Council in the interests of accuracy and consistency.

Main Issues

3. The main issues in the appeal are the effect of the proposal on:
 - i) the living conditions of future occupants in relation to proximity to neighbours and adequacy of living space, and
 - ii) the character and appearance of the area.

Reasons

Living conditions

4. The two separate dwellings would be close to their respective neighbours with only a small garden providing a modest amount of separation. There is nothing to indicate that the proposed gardens would be of an inadequate size to provide meaningful outside living space. However, a distance of only around 16 m between the existing and proposed dwellings would facilitate overlooking from first floor windows.
 5. Such potential for a harmful loss of privacy would not be sufficiently reduced by new 2.1 m wooden boundary fences as clear lines of sight over would remain available. With the patio doors of the new dwellings facing the neighbours unwanted overlooking would likely extend into the proposed living rooms.
 6. There would be unacceptable harm arising from the close proximity to neighbours leading to a conflict with saved Policy H7 of the Bexley Unitary
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Development Plan 2004 (the UDP). The policy seeks to secure a reasonable degree of privacy for space within and outside dwellings. I am satisfied, however, that the accommodation would be of a sufficient size to accord with the quality and design of housing sought at Policy 3.5 of the London Plan, and the Council's design guidance.

Character and appearance

7. The dwellings would be a departure from the prevailing pattern of frontage development with long back gardens. There would also be some loss of the open character between Halfway Street and Lamorbey Close. However, with regard to other garden infill developments along Hollies Avenue the proposal would not be particularly incongruous as to appear out of character.
8. From my site inspection the verdant qualities identified by the Council are derived from the wide grassed verges of the street and highway trees. These would remain. Moreover, the removal of the unkempt and derelict condition of the appeal sites would deliver a small enhancement to the local area. I acknowledge concerns surrounding the severance of existing gardens but this is a matter that falls outside of the scope of planning controls.
9. The extended roof slope of the proposed dwellings would undoubtedly introduce a different design to the street but would not be out of place among the variety of house types and architectural styles evident. Although previous decisions of the Council have been upheld on appeal little detail of those cases has been provided. They relate to different appeal sites and dwelling designs and I have determined the appeal before me on its merits and in the light of present circumstances.
10. The proposal would have a satisfactory effect on the character and appearance of the area. It would accord with the requirement to enhance and be in keeping with the character of the surrounding locality of Policies CS01 and CS06 of the Bexley Core Strategy 2012, and the need for compatibility with local character identified at saved Policies ENV39, H3 and H8 of the UDP.
11. My findings under this issue, and the limited support that has been provided for the proposal, including from a potential occupier, do not outweigh the significant harm I have identified to living conditions.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR