



Appeal Decision

Site visit made on 18 July 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/D5120/W/17/3175300

116 Crayford Way, Crayford, Dartford, Kent DA1 4LF

- 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 Erich Skupin against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/03202/FUL, dated 1 December 2016, was refused by a notice dated 31 January 2017.
 - The development proposed is a single two-storey three bedroom dwelling attached to the existing terrace.
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Decision

1. The appeal is allowed and planning permission is granted for a single two-storey three bedroom dwelling attached to the existing terrace at 116 Crayford Way, Crayford, Dartford, Kent DA1 4LF in accordance with the terms of the application, Ref 16/03202/FUL, dated 1 December 2016, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. As part of the appeal submission the appellant has submitted amended Drawing Ref, 1602/502/SK. The Council has had an opportunity to comment on this amended drawing. It is only appropriate to take the amended drawing into account if no party would be disadvantaged. Having regard to *Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37*, it is necessary for me to consider whether the proposed changes would represent a substantial difference compared to the original application. It was held in this judgement that one of the main criteria is whether the development would be so changed by such amendments that to grant permission would deprive those who should have been consulted of the opportunity of consultation.
3. The amended drawing shows a revised car parking arrangement which would provide four car parking spaces laid out perpendicular to the highway. Two spaces would therefore be provided for each dwelling. The Council's Highway Officer has been consulted on this drawing and the Council has advised that the revised scheme would overcome their previous objections which formed the third reason for refusal in their decision notice. The revised car parking layout is a minor alteration to the original scheme and does not alter the original site layout. I do not consider that any party would be unfairly prejudiced by my determining the appeal with regard to the amended plan, Drawing Ref, 1602/502/SK, and I have done so on this basis.

Main Issues

4. I consider the main issues in this case are:

- The effect on the character and appearance of the area; and
- Whether the proposed development would provide for acceptable living conditions for future residents, with particular regard to internal space.

Reasons

Character and appearance

5. Crayford Way is a residential street which is characterised by a mixture of semi-detached and terraced properties. The gaps between these properties vary in their width, but are a consistent feature within the street scene. The appeal site forms part of a substantial gap which separates Nos. 116 and 126 Crayford Way. This gap includes the side garden of No 116, a narrow footpath that provides access to Nos. 118-124 Crayford Way which are set back from the road, and a strip of open land lying adjacent to No 126.
6. 116 Crayford Way is an end of terrace property. It has been previously extended to the side to provide a garage, and the appeal proposal would remove the garage and a new dwelling would be constructed as an addition to the terrace. The proposed dwelling would replicate the scale and elevation treatment of the neighbouring properties thus providing a cohesive addition to the terrace. Furthermore, it would have the same footprint to plot ratio as neighbouring properties, which includes a modest private rear garden and two car parking spaces. Consequently, I do not consider that the proposal would represent an overdevelopment of the site.
7. It is clear that the proposed dwelling would erode the gap that currently exists between Nos. 116 and 126, and I agree with my colleague who previously granted outline planning permission¹ for a dwelling on this site, that the setting of Nos. 118 -124 Crayford Way is improved by the fact that the properties on either side are not built up to the footpath boundary that serves these dwellings. However, in this case a one metre gap would be left between the flank wall of the proposed dwelling and the common boundary of the site with the footway, and furthermore a modest gap between the footway and 126 would remain.
8. I recognise the Council's concern that should the appeal succeed this may set a precedent for the remaining strip of open land to the side of 126 to be developed. However, the strip of land adjacent to 126 is narrower and different in character to the appeal site. I have not been provided with any substantive evidence that would persuade me that this land could be developed in a manner similar to that proposed in this appeal. Each case must be considered on its own merits, and in any event, even if it this strip of land were to be developed in a similar manner, the gap that would remain on either side of the footway, would be similar in width to the gaps found between many of the other terraces and semi-detached properties within the street scene. I am therefore satisfied that a visual break would be retained between the proposed dwelling and the neighbouring terrace, and consequently, the proposed development would not have an adverse impact on the street scene as a whole.

¹ T/APP/D5120/A/85/32850/P4

9. With the exception of the Decision Letter¹, I have not been provided with any of the details which were taken into consideration when the outline planning permission was granted in 1985. However, this permission has now lapsed and I have therefore determined the appeal on the basis of the individual circumstances of this case.
10. I conclude that the appeal proposal would not have harmful effect on the character and appearance of the area. It would not conflict with the development plan and in particular there would be no conflict with Policies ENV39 and H8 of Bexley's Unitary Development Plan, 2004 (UDP) which seek to ensure, amongst other things, that new development, including infill development, is compatible with the character of the surrounding area and would not adversely affect the street scene by reason of its scale, massing, height, layout, elevational treatment, materials and/or intensity of development.

Whether the proposed development would provide for acceptable living conditions for future residents having particular regard to internal space.

11. The London Plan, 2016 has adopted the nationally described space standards² (NDSS) which state that in order to provide one bed space, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide. The Council has calculated the floor space of Bedroom 3 as 6.6m², which would conflict with Policy 3.5 of the London Plan. However, it is clear from the appeal submission and application drawings that the Council has not included the bedroom's entrance lobby within their calculation. I see no reason to exclude this area from the calculation. The lobby forms part of the bedroom space and it not physically separated from it. Bedroom 3 would therefore have a floor area of 7.55m² and at its narrowest point is 2.3m wide.
12. I conclude that the proposed development would provide for acceptable living conditions for future residents, with particular regard to internal space. I therefore find no conflict with Policy 3.5 of the London Plan, 2016 or the London Plan Housing Supplementary Planning Guidance, 2016 which seek to ensure that the NDSS are applied to all new housing developments to provide acceptable living conditions for future residents.

Other Matters

13. I have taken into consideration third party concerns regarding construction traffic, and I have imposed a condition to require a Construction Method Statement to be provided and approved by the Council in the interests of highway safety and to protect the living conditions of neighbouring residents. I have not been provided with any substantive evidence that would suggest that a new dwelling in this location would give rise to an increase in anti-social behaviour and neither have the Council raised any concerns regarding the supply of water. I therefore give these considerations limited weight.

² Technical housing standards – nationally described space standards. DCLG 2015.

Conditions

14. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guide. As a result I have amended some for clarify and omitted others.
15. A condition specifying the approved plans is required as this provides certainty.
16. The submission and approval of a Construction Method Statement prior to the commencement of development is necessary to safeguard the living conditions of neighbouring residents and in the interests of highway safety.
17. Conditions requiring the details, provision and retention of a vehicle parking and pedestrian inter-visibility splays are required in the interests of highway safety, and a condition is also necessary to secure cycle parking to encourage the use of sustainable modes of transport.
18. Conditions requiring details of the external finishes of the dwelling and to secure appropriate refuse and recycling disposal facilities are required to safeguard the character and appearance of the area and to ensure acceptable living conditions for future residents.
19. In order to avoid pollution and to prevent increased risk of flooding details of surface and foul water drainage are required.
20. It is not necessary to impose a condition requiring landscaping details as those details are shown on the approved plans.
21. The Council has suggested a condition to remove permitted development rights for the enlargement, improvement or other alteration of the dwelling. The condition is recommended in order to control future development on a restricted site. The Planning Practice Guide advises that conditions to restrict the future use of permitted development rights should only be used in exceptional circumstances. The proposed dwelling would have a modest rear garden and its footprint to plot ratio is similar to that of its neighbours. The proposed siting of dwelling would not result in any unusual relationship with neighbouring residential properties that would to my mind raise any potential living condition concerns should permitted development rights be exercised. It would not therefore be reasonable or necessary to impose a condition to restrict future occupiers from the future use of permitted development rights.

Conclusion

22. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Ref 1602/101/SK; Site Plan, Floor Plans and Elevations, Ref 1602 01A, except in respect of the access and car parking details which shall be carried out in accordance with approved plan: Alternative Parking Layout, Ref 1602/502/SK.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.
 - ix) contact arrangements for the public, including 'out of hours' telephone numbers for named contacts.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) Prior to the commencement of development above slab level, details of the materials and finishes to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 5) The dwelling shall not be occupied and the vehicle parking area shown on drawing ref 1602/502/SK shall not be brought into use until it has been laid out, drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 6) The vehicular accesses to the site shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions, and shall be maintained free of all obstacles to the visibility between the height of 0.6m and 2.0 metre above the level of the adjoining highway.
- 7) The dwelling hereby permitted shall not be occupied until refuse and recycling storage facilities (including means of enclosure for the area

concerned where necessary) have been provided in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The refuse and recycling storage facilities shall be retained thereafter and managed in accordance with the approved details.

- 8) The dwelling hereby permitted shall not be occupied until cycle storage for a minimum of four cycles (including means of enclosure for the area concerned where necessary), in accordance with London Plan Standards, have been provided in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The cycle storage facilities shall be retained thereafter and managed in accordance with the approved details.
- 9) The dwelling hereby permitted shall not be occupied until surface water and foul drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.