



Appeal Decision

Site visit made on 16 August 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 01 September 2017

Appeal Ref: APP/D5120/W/17/3177576

Land to rear of 70 - 76 Iron Mill Lane, Crayford, Dartford DA1 4RR

- 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 Darren Edwards against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/02897/FUL, dated 12 October 2016, was refused by notice dated 28 February 2017.
 - The development proposed is the erection of a 1.5 storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) parking demand with particular regard to the accessibility of the site and highway safety; ii) the living conditions of future occupiers with particular regard to privacy and iii) the character and appearance of the area.

Reasons

Parking Demand

3. The appeal site is segregated from nearby roads and can therefore only be accessed by pedestrians via an adjacent public footway linking Iron Mill Lane and Green Walk. This footway consists of a series of steps in response to a marked change in ground levels from north to south.
 4. There is no dispute between the parties that the locality has a Public Transport Accessibility Level (PTAL) rating of 1a. This is regarded to be a very poor standard of access and leads me to the view that future occupiers would be dependent on car use and accordingly would seek to park in the locality.
 5. The Council has raised concerns that there is congested on-street parking in this location. Whilst the appellant has referred to a favourable parking survey undertaken in support of the development, I have not been provided with any detailed findings to demonstrate on-street car parking capacity including the area, date and times of assessment. Although the amount of parking demand arising from the development would be likely to be relatively small, I am not therefore persuaded that future occupiers of the proposed dwelling could depend on being able to park in close proximity to the site. When combined
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with the sloping gradient of the access footway and possible need to use the steps, convenient access to the site for future occupiers of the development could not be guaranteed. This impact would be magnified for any residents suffering impairment to their mobility.

6. In addition the Council has raised concerns over whether the development can be undertaken without obstructing the access footway and once developed, whether emergency services would be able to gain access to the site, should this ever be required. I too share these concerns, based on the limited information before me.
7. Whilst I have not been provided with a compelling case that the proposal would be prejudicial to highway safety, for the aforementioned reasons I am not persuaded that an acceptable standard of access to the site can be secured for future occupiers of the development and emergency services or that acceptable public access through the area can continue to be provided during the construction period.
8. I am therefore unable to rule out that the transport impacts of the development would be severe and conclude that the proposal would be in conflict with Policy CS01 of the Bexley Core Strategy 2012 (CS); Saved Policies ENV39, H8 and T17 of the Bexley Council Unitary Development Plan 2004 (UDP) and the National Planning Policy Framework (the Framework) insofar as they seek to secure adequate and safe access for vehicles and pedestrians and minimise the distance people need to travel.

Privacy

9. It was evident from my visit that the fall in ground levels from north to south would allow for some overlooking of the external parts of the appeal site from the rear of the dwellings at Nos 70-76 Iron Mill Lane at first floor levels.
10. The degree of separation between the proposed unit and existing dwellings on Iron Mill Lane would be tighter than the more generous standards prevailing in the wider area. However, there would still be substantial separation between the upper floor parts of these buildings and the side boundary of the site and I do not consider the relationship between the existing and proposed dwellings, in terms of separation and orientation, to be unusual in itself. The Council's Design for Living Supplementary Planning Document 2006 (SPD) refers to a separation requirement of some 22 metres between facing habitable room windows. However because of the marked change in ground levels and the absence of directly facing habitable room windows, a more relaxed approach would be justified in this regard.
11. I conclude on this point that the proposal would not result in harm to the living conditions of future occupiers with particular regard to privacy. Accordingly there would not be conflict with Saved Policies ENV39 and H7 of the UDP and the Council's SPD insofar as they seek to provide reasonable privacy for residents.

Character and Appearance

12. The appeal site is part of a residential area characterised by two storey dwellings. As a bungalow with gabled front and rear elevations, the proposal would diverge from this prevailing architecture. However the site would be substantially screened by existing dwellings. Whilst views would be possible

between gaps in development, these would be from distance so that the proposal would appear recessive rather than intrusive within the street scene. Furthermore, though visible in passing the front of the site along the footway, views of the dwelling would be fleeting and because of the limited scale of development involved and the presence of intervening planting, would not appear at odds with its surroundings.

13. I conclude that the proposal would not result in inappropriate backland development or harm to the character and appearance of the area. It would not therefore be in conflict with Policies CS01 and CS17 of the CS or with Saved Policies H8 and ENV39 of the UDP insofar as they seek to secure a high standard of design that respects the character of the area and avoids harmful backland development.

Conclusion

14. The proposal would result in an additional unit of accommodation, which I have no reason to doubt could be constructed to a high quality and would add to the choice and supply of housing, albeit that the contribution would be very small. I give some weight to this consideration. However, I have found that the proposal would result in unacceptable living conditions for future occupiers in terms of parking demand and site accessibility.
15. I must take into account that the Government attaches great importance to securing a good standard of amenity for all existing and future occupants of land and buildings which is recognised as a core planning principle within the Framework. I therefore attach significant weight to this consideration.
16. Though I have not found harm in terms of the character and appearance of the area or the privacy of future occupiers, the provision of an additional dwelling would be significantly and demonstrably outweighed by the adverse effect on the living conditions of residents in terms of the accessibility of the site when assessed against the policies of the development plan and the Framework. Accordingly, the proposal in this case does not amount to sustainable development and the presumption in favour of such, as set out in the Framework, does not apply.
17. Therefore for the above reasons and having had regard to all other matters raised, I conclude that the appeal should not succeed.

Roy Merrett

INSPECTOR