
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: 07 September 2017

Appeal Ref: APP/D5120/W/17/3176398

Land adjacent to 29 Edwards Road, Belvedere

- 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 Ian Stephenson, ISL, against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/00141/FUL, dated 20 January 2017, was refused by notice dated 6 April 2017.
 - The development proposed is a single family 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) the living conditions of existing residents and future occupiers with particular regard to privacy, the amount of accommodation and availability of external amenity space and ii) the character and appearance of the street scene.

Reasons

Living Conditions

3. The Council sets out within Policy H7 of the Bexley Council Unitary Development Plan 2004 (UDP) that it will seek new development to achieve a reasonable degree of privacy having regard to its Design and Development Control Guidelines (DDCG). The aforementioned guidelines state that development should provide for a distance of at least 22 metres between habitable rooms in buildings of up to two storeys in height.
 4. It is undisputed that the rear elevation of the proposed dwelling would be separated from the main rear of Nos 51 and 52 Sheridan Road by only some 16 to 17 metres. This degree of separation would therefore be markedly deficient in relation to the aforementioned guidelines and the appellant has not set out a compelling case as to why a relaxation of the guidelines would be justified in this case.
 5. Whilst the imposition of screen fencing would be effective to a degree in terms of masking views from ground floor level, it was apparent from my visit that some inter-visibility between ground floor rooms would still be possible. Although, from this perspective, the privacy of residents could be safeguarded
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by increasing the height of the boundary fence and therefore the degree of screening, I concur with the view that any significant increase in height would compound the sense of enclosure and would be unacceptable in terms of harm to outlook. In any event I am firmly of the view that the tight relationship between properties would result in mutual overlooking of habitable rooms and gardens from the first storey levels of these properties.

6. Indeed it would appear, from the information before me and my visit, that the alternating relationship of the pairs of semi-detached properties on Sheridan Road and Edwards Road, with rear elevations of dwellings offset from one another, has been purposefully planned in this way with the intention of avoiding inadequate separation of dwellings, given the proximity of the two parallel streets.
7. Whilst a relatively close back to back relationship would appear to exist between the nearby pairs of dwellings at Nos 30 and 31 Edwards Road and Nos 53 and 54 Sheridan Road, I noted during my visit that these pairs of dwellings would appear to benefit from greater separation at first floor level. In any event the relationship between existing groups of dwellings would not justify the problem that I have identified in this case. Furthermore the Council states that it would accept more relaxed standards of separation between the front elevations of dwellings, as this would be in keeping with the character of the street. It therefore seems to me that this only adds to the importance of achieving adequate separation at the rear in order to secure a satisfactory overall degree of privacy for residents.
8. The appellant has referred to a previous planning permission granted by the Council for a dwelling adjacent to No 37 Sheridan Road. However, I have been provided with very limited information in relation to that case, none of which would lead me to the view that back to back separation relationships would be deficient having regard to the aforementioned guidelines.
9. I therefore conclude that the proposal would result in harm to the living conditions of existing residents and future occupiers with particular regard to privacy. Accordingly the development would conflict with Policy 3.5 of the London Plan 2015 (LP), and Saved Policies H7, H8 and ENV39 of the UDP insofar as they seek to protect the living conditions of residents.
10. Whilst the DDCG require a minimum garden depth of 13 metres to be achieved, it is undisputed that guidelines in the LP are more relaxed in this regard and there is no suggestion from the Council that the proposal would conflict with relevant guidance in the LP. I consider that the residual gardens would allow practicable space in which to relax or dry laundry during finer weather for example.
11. The proposed dwelling would have a gross internal floor area of some 77 square metres. This would meet the minimum national technical standards¹ for 2 bedroom 3 person dwellings. Considering the relatively limited scale of accommodation proposed, it could reasonably be expected that the proposal would cater for a small family of this size.

¹ Technical housing standards – nationally described space standard DCLG 2015

12. I do not therefore find the proposal to be unacceptable, with specific regard to the provision of rear garden space and the gross internal floor area. However this does not justify the harm that I have identified above.

Character and Appearance

13. The appeal site is within a residential location characterised by two parallel streets, Edwards Road and Sheridan Road, with predominantly terraced dwellings on one side opposite a small number of well-spaced out pairs of semi-detached dwellings on the other. The spacing of the semi-detached pairings results in a staggered formation of buildings between the two roads, which as set out above, appears to be intended to avoid unacceptable overlooking between the properties. However the representation of the spaced out semi-detached pairs is limited in extent, and taking into account the single storey garage block on the adjacent plot and continuity of the opposite terrace, the character and appearance of the area is more strongly defined by the variety rather than uniformity of architecture.
14. The proposal would introduce a detached dwelling into the street. However it would incorporate some of the detailed design features of the adjacent semi-detached dwellings including a recessed doorway with arched detailing above; a projecting ground floor bay window and a hipped roof. Furthermore whilst relatively narrow in form and occupying the full width of the plot, the dwelling would retain separation from the adjacent pairs of semi-detached houses and, taking into account the existing architectural variety within the street scene, I am not persuaded that it would appear as a cramped or incongruous addition.
15. The spacious nature of rear garden land is not a strongly discernible characteristic within the broader residential area. Therefore, whilst the proposal would naturally lead to limited garden land being available to both the proposed dwelling and donor plot, this would not in itself be harmful to character and appearance.
16. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.
17. I therefore conclude that the proposed dwelling would not result in harm to the character and appearance of the street scene. It would therefore accord with Policy 7.4 of the LP and Saved Policies ENV39 and H3 of the UDP insofar as they seek to secure a high standard of design, compatible with the character of the area.

Conclusion

18. The proposal would result in an additional unit of accommodation which I have no reason to doubt could be constructed to a high environmental standard 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 existing residents and future occupiers.
19. 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 National Planning Policy Framework (the Framework). I therefore attach significant weight to this consideration.

20. I have not found harm in terms of the character and appearance of the area and have no reason to doubt that the site would be well related to shops and services. However, even were the Council unable to demonstrate a five year housing land supply (the position of the appellant, which is contested by the Council), I am firmly of the view that providing additional housing in a time of need, even if the site were to be regarded as previously used land, would be significantly and demonstrably outweighed by the adverse effect on the living conditions of residents 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.
21. 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