
Appeal Decision

Site visit made on 7 November 2017

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 15th January 2018

Appeal Ref: APP/D5120/W/17/3180851
241 Main Road, Sidcup, Kent, DA14 6QS

- 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 Mustafa Huseyin of E & H Property Services against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/00457/FUL, dated 24 February 2017, was refused by notice dated 26 May 2017.
 - The development proposed is Change of use from office (Use Class B1) into four one bed and three two bed self-contained units of accommodation (Use Class C3) and associated works including alterations to the side elevation, provision of a pitched roof to the rear addition incorporating front dormer extension and demolition of attached outbuildings/garages.
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Decision

1. The appeal is dismissed

Procedural Matter and background

2. The application form described the development as Change of Use from B1 Office space into 4 x 1-Bed and 3 x 2 Beds with proposed alterations including changing the roof of the rear addition from flat to pitch (gable ends) with proposed roof extension to incorporate front dormers. I have however used the Councils description of the development as it more fully and accurately describes the development illustrated on the submitted plans and for which permission is sought.
3. The site benefits from a prior approval¹ for change of use from office (Use Class B1) to use for 7 x 1 bed self-contained units of accommodation (Use Class C3) and associated works including demolition of attached outbuildings/garages and alterations to the side elevation. The details for the main building at the front of the site (for flats one, two, six and seven) are the same as in this appeal scheme as are the position of the access and the location and configuration of parking spaces.

Main Issues

4. The main issues are: the effect on the living conditions of the occupiers of adjoining properties in respect of a) privacy in relation to No 237 and 239 Main

¹ Ref 16/00665/PRIOR dated 22 April 2016.

Road; b) outlook and light in relation to No 243 Main Road; and c) the effect on highway safety in respect of access, parking and vehicle movements.

Reasons

Effect on Nos 237 and 239 Main Road

5. At the rear of the site the single storey part of the building would be enlarged with a higher ridge; an east facing flat roofed dormer would be formed across the whole of the width and depth of the proposed roof. The dormer, at approximately 18 metres wide, would include three windows serving bedrooms and a further three serving bathrooms. These would be around six metres from the boundary fence and new habitable rooms would directly face the private rear gardens of the adjacent dwellings. The new accommodation would result in direct overlooking of the garden areas of Nos 239 and 237 and indirectly into the rear windows of No 239. This would result in loss of privacy to the occupants of those properties causing harm to their living conditions.
6. The appellant argues that as the offices currently have a view towards Nos 237 and 239 and that as prior approval has been approved to use the offices for residential use this arrangement is already established. This may be so, however, what is now proposed would result in a more direct and a much greater degree of overlooking than currently occurs given the significant size of the proposed additions to the building which include an extension into the depth of the site and additional height, both elements of which would include windows. It is these additional windows that would have a significant and therefore more harmful effect on the living conditions of the occupiers of Nos 237 and 239.
7. For these reasons the enlargement of the property and the introduction of windows in the rear first floor units would be in conflict with Policy H9 of the Bexley Unitary Development Plan (2004) (UDP) and Policies CS01 and CS06 of the Bexley Core Strategy (2012) (Core Strategy) which seek, among other things, to protect the privacy and amenity of existing occupiers in adjacent properties.

Effect on No 243 Main Road

8. The pitch of the roof across the rear building would be altered by increasing the ridge height. Whilst this increase in bulk would have an effect on the garden area to No 243 this would be limited to a modest increase in the volume of the roof structure which would not be so significant as to materially affect the outlook from, or light reaching, the rear garden and would not cause a significant change from the impact of the existing roof. Similarly ground floor windows at the rear of No 243 open onto a courtyard where there would also be a minimal impact resulting from the increased roof pitch. These impacts are not sufficient in themselves to justify consent being withheld. Therefore the proposal would not conflict with Policies ENV39 and H9 of the UDP or Policies CS01 and CS06 of the Core Strategy in so far as they relate to the impact on the amenity of the occupiers of No 243.

Highway Safety

9. The parking and access arrangements show seven car parking spaces and are identical to those detailed in the application for prior approval for a scheme for

seven one bedroomed flats². Three spaces directly front the main road and four spaces are set out in a linear arrangement within the site alongside the boundary with the adjacent property. Though each space meets the dimensions of a standard parking space this type of parking arrangement requires additional space to enable manoeuvring (particularly since the spaces are tight up against the boundary). Turning within the site would result in conflicting movements with pedestrians and would not be possible if all four of these spaces were in use. Traffic reversing out onto, or in from, a main distributor road would also lead to conflicting traffic movements along with the attendant increased highway risk. The space alongside these parking spaces also serves as an access to most of the units and for refuse storage which is positioned in a location which would impede the inwardly opening gates. This would give rise to further conflicts between pedestrian movements, general activity and vehicle movements.

10. It is acknowledged that these arrangements are the same as those set out in the prior approval for the reuse of existing space and this is a scheme that the appellant could choose to pursue. However, the appeal proposal would introduce larger living accommodation in flats three, four and five which would inevitably lead to additional residents, greater demand for car spaces and a greater propensity for conflict between vehicle and pedestrian movements. This would result in an increased and unacceptable risk to pedestrian and highway safety and would be highly likely to cause interruption to traffic flow on the main road. The development would therefore conflict with Policies ENV39 and T17 of the UDP which together seek to ensure that adequate provision is made for vehicle parking so as to ensure that development does not adversely affect on-street parking or prejudice traffic flows.

Other matters

11. My attention has been drawn by the appellant to a development under construction to the east of the appeal site on Shirley Road³. I have not been provided with full details of what this block replaces to enable me to assess whether the circumstances were similar. In any event the distances involved in that scheme to the immediately adjacent property at No 239 would be greater than those I observed with the current appeal such that the scheme referred to would not justify this appeal proposal.
12. The appellant draws attention to the National Planning Policy Framework (the Framework) and the presumption in favour of sustainable development citing paragraphs 14, 49 and 197. The Framework sets out three dimensions of sustainable development: economic, social and environmental, which are mutually dependant. The social benefit which would arise from additional housing units in the local area is acknowledged, so too is the economic benefit that would arise from the development. However the increased intensity of the use now proposed over and above that which would be realised from a conversion under permitted development would lead to significant and harmful impacts on the living conditions of neighbours such that the benefits are more than outweighed by the environmental disadvantages. The appellant has advised that there would be no objection to the imposition of similar conditions to those imposed by the Council on the earlier prior approval⁴. However I do

² Ref 16/00665/PRIOR

³ Ref 09/00381/FUL

⁴ Ref 16/00665/PRIOR

not consider that such conditions would render this proposal acceptable for the reasons I have given.

Conclusion

13. Whilst I have found that the impact of the development would not have an unacceptable impact on the adjacent property No 243 Main Road I have found it would have an unacceptable effect on the living conditions of the occupants of Nos 239 and 237 Main Road. I have also found that the parking and access arrangements would lead to an increased risk to highway safety and prejudicial to the free flow of traffic. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR