



Appeal Decision

Site visit made on 20 February 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 march 2018

Appeal Ref: APP/D5120/W/17/3181764

Land adjacent to 3 Heath Road, Bexley, Kent DA5 2DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Hughes against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/03008/OUT, dated 8 December 2016, was refused by notice dated 27 February 2017.
 - The development proposed is described as '*outline planning application for the construction of a single family dwelling house on a currently vacant plot*'.
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Decision

1. The appeal is allowed and outline planning permission is granted for a single family dwelling house at land adjacent to 3 Heath Road, Bexley, Kent DA5 2DW in accordance with the terms of the application, Ref 16/03008/OUT, dated 8 December 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The original application was made in outline form with all matters reserved. I have had regard to the Block Site Plan which shows the footprint of the proposed building and the 'notional' floor and site sections submitted. However, as all matters are reserved, I have determined the appeal on the basis that the plans are indicative.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application in the decision above, removing the terms 'outline planning permission' and 'currently vacant plot' as these are superfluous.

Main Issue

4. The main issue is whether the proposal would provide a suitable site for housing with regard to the effect of the proposal on the character and appearance of the area, the provision of adequate private amenity space for future occupiers and the effect on the living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

5. The area is characterised by a mixture of residential properties from different periods and of varying sizes, forms and styles. There are large detached dwellings set within substantial landscaped grounds but there are also more modest dwellings on much smaller plots with front gardens of varying shapes and sizes. The appeal site lies in between No. 3 Heath Road, a detached 2 storey dwelling and the large rear gardens of Nos. 8 and 10 Wanshunt Road. There is an attractive verdant character to the appeal site which mainly derives from the perimeter trees and landscaping that exist within adjoining gardens.
6. The effects would largely depend upon the layout, scale and appearance of the development proposed which are not matters before me. However, I see no reason why a single dwelling could not be appropriately designed and accommodated on the site, even if sited further forward than the existing building line of No. 3. In the context of the stepped and irregular spatial pattern and arrangement of dwellings along Heath Road and given the variety of architecture that exists, subject to the design such an approach would not be out of keeping or harmful to the character and appearance of the area or the streetscene.
7. In an area of such variety in plot sizes and shapes it would also not be harmful to introduce a layout where the front garden may be larger than the rear. Even if amenity space were to be provided to the front there are a number of ways, including additional landscaping and in the design of the scheme that could ensure amenity space is provided with an acceptable level of privacy for future occupants.
8. The Council's Design and Development Control Guidelines refer to a 13m depth of rear garden space but that is guidance and also refers to space being adequate. The objective is also to ensure adequate space in the event of subsequent extensions, which in this case could be controlled at the reserved matters stage. Consequently and in a design led approach, I find that strict adherence to the 13m depth is not necessary and should not be a reason for dismissal of the appeal.
9. The rear gardens of the properties on Wanshunt Road are long and the properties are wide and there appeared to be no windows serving habitable rooms in the flank elevation of No. 3 Heath Road, facing onto the appeal site. Consequently, the introduction of a single dwelling, the scale of which is to be agreed, is unlikely to be so overbearing that it would materially harm the living conditions of the occupiers of those properties, in terms of outlook.
10. For these reasons, the proposal would provide a suitable site for housing in the terms set out above and would accord with Policy H8 of the London Borough of Bexley Unitary Development Plan 2004. This policy requires that infill, backland and similar development results in adequate access, no adverse effects on the amenities of adjacent dwellings and their gardens, no adverse effect on the character of an area and preservation of landscape and nature conservation features.

Other Matters

11. In reaching this view I have had regard to the representations from a third party in terms of validity, loss of light, privacy and precedent. The appeal was submitted within the relevant 6 month period, albeit that additional time was given for submission of a relevant document in accordance with the relevant legislation¹. Given the layout and siting of neighbouring properties and because all matters are reserved, I am satisfied that a scheme could be designed that protects the living conditions of neighbouring occupiers, in terms of privacy.
12. Whilst I have been referred to other applications within Wanshunt Road, I have not been provided with any details and therefore cannot be certain that they are directly compatible to the proposal before me. I also see no reason why, if this proposal were to be allowed, that it would undermine the Councils ability to exercise its judgement in relation to similar development proposals on this or other sites, especially because each case is determined on its own merits and because each site will have different constraints and opportunities. It would not therefore set a harmful precedent. Thus none of these other considerations, on their own or in combination, alter my view.

Conditions

13. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. Apart from the statutory outline conditions a condition requiring details of the external materials to be agreed is necessary, in order to protect the character and appearance of the area.
14. As all matters are reserved and the plans are indicative it is not necessary to impose a conditions securing compliance with the plans or materials². Furthermore, it is not necessary to ensure the formation of car parking spaces prior to occupation as implementation of these could be controlled at reserved matters stage. I have however amended condition 1 to include boundary treatment details, space for the parking of vehicles and visibility splays as specific details to be submitted at the reserved matters stage.
15. The layout, scale and appearance of the development are not before me to consider. As such the consideration of whether permitted development rights should be restricted should be considered at that stage as the relevant details to inform such a decision are not before me. I have not therefore imposed a condition restricting such rights and this would not fetter the Council's ability to do so at the reserved matters stage, if appropriate.
16. The provision of refuse and cycle storage is necessary in the interests of highway safety and living conditions in order to promote sustainable forms of transport. To prevent the increased risk from flooding, I have imposed a condition requiring details of a sustainable surface water drainage system to be agreed and implemented.

¹ Article 37 (1) (a) (ii) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

² 'Appearance' includes 'architecture, materials, decoration, lighting, colour and texture'.

Conclusion

17. For the reasons given above, the proposal would accord with the development plan, when taken as a whole. Material considerations do not indicate that a decision should be made other than in accordance with the development plan.
18. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

SCHEDULE

CONDITIONS

- 1) Details of the access (including visibility splays), appearance, landscaping (including boundary treatments), layout (including space for the parking of vehicles), and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development commences and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not be occupied until secure cycle parking and refuse storage facilities have been provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The secure cycle parking and refuse storage facilities shall thereafter be kept available for such purposes.
- 5) The building hereby permitted shall not be occupied until surface water 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. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.