



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/17/3181298 30 Manor Road, Erith DA8 2AF

- 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 Stephen O'Dowd against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/02069/FUL, dated 15 August 2018, was refused by notice dated 2 February 2017.
 - The development proposed is described as '*proposed side and rear single storey extensions including roof terrace amenity space, hip to gable roof extension, rear dormer extension and internal alterations pursuant to conversion of house to 3 x 2 bedroom flats at 30 Manor Road, Erith*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of the occupiers of 32 Manor Road, with particular regard to outlook.
 - Whether the proposal would create acceptable living conditions for future occupiers in terms of adequate amenity space.

Reasons

Character and appearance

3. The appeal site is formed by a 2 storey residential property sited at the end of a terrace of similar properties at the junction with Alexander Road. Consequently, the side and rear elevations of the appeal property are conspicuous from the public realm.
4. The character and appearance of the area is formed by closely spaced terraces and groups of residential and commercial properties. Although there is some variety in the appearance of the buildings, there were distinct groups and buildings that had a strong traditional roof form and appearance. This includes No. 28 opposite which, in combination with the appeal property gives a symmetrical and consistent visual appearance of built form at first floor and roof level on both sides of the entrance to Alexandra Road. This positively

contributes to the character and appearance of the area and reflects the hipped roof forms on end of terrace properties visible in Alexandra Road from the junction. Apart from shared gable end rear projections none of the dwellings in the immediate locality appeared to have been extended by virtue of dormer windows within the rear roof slopes.

5. Despite the use of matching materials and detailing, the dormer would be a particularly bulky and dominant addition. It would only be marginally set down from the ridge and in from the sides. The resulting full width gable wall from the hip to gable extension would be at odds with the original hipped roof design of the host property. This would be juxtaposed with a number of different roof forms at ground floor level which would appear overly dominant and visually prominent when viewed from the street.
6. Overall, the combination of the prominence of the host property and the overall form, scale and design of the proposal would appear in stark contrast to the prevailing design and appearance of the dwelling and properties within the immediate locality. The cumulative effect would result in an incongruous arrangement of built form that in such a context would not represent a high standard of design and would be detrimental to the visual interests of its surroundings.
7. For these reasons, the proposal would cause harm to the character and appearance of the area. It would therefore conflict with Policies ENV39 and H9 of the Bexley Council Unitary Development Plan 2004 ('UDP') and the Unitary Development Plan Design and Development Control Guidelines 2. Amongst other things, these require the siting, design and external appearance of development to be compatible with the character of the existing building and adjacent buildings and the area, be of a high standard of design and to not adversely affect the streetscene.

Living conditions of No. 32 Manor Road

8. No. 32 Manor Road has a single bedroom window in its first floor rear elevation facing the rear garden. The combination of the siting of the terrace to serve bedroom 1 of Flat B and the scale and depth of the ground floor rear projection would be conspicuous from it. The eye would be unacceptably drawn to the large and bulky expanse of roof and privacy screen and this would be overbearing and visually intrusive.
9. Furthermore, the depth and height of the flank wall of the ground floor extension would result in a very imposing structure that would significantly increase the sense of enclosure to the rear of No. 32. It would be oppressive and overbearing on the outlook of the occupiers of No. 32 when using the rear garden and to a lesser degree from the ground floor internal living accommodation. The lack of objection from neighbouring occupiers is not determinative as I must consider the amenity of both existing and future occupiers.
10. For these reasons, the proposal would harm the living conditions of the occupiers of No. 32 Manor Road in terms of outlook. It would therefore conflict with Policies ENV39 and H9 of the UDP which requires development to not prejudice the environment of the occupiers of adjacent property and does not adversely affect outlook.

Living conditions of future occupiers

11. Flat A would have access to a small yard area to the side of Bedroom 1. I have not been referred to any adopted standards by the Council but Policy H11 of the UDP refers to adequate amenity space arrangements being made. The space proposed is somewhat small and contains a waste storage area.
12. However, Erith Recreation Ground is within a short walking distance from the appeal site which would provide additional and accessible open space for future occupants, should they wish to use it. Having regard to the size of the unit the proposal would have access to adequate amenity space and there would be no conflict with Policy H11 of the UDP.

Other Matters

13. The proposal would provide additional housing in an area of high house prices and demand and result in a more efficient use of land but such benefits this do not outweigh the harm that I have identified. My attention has also been drawn to numerous examples of built form within the locality¹. However, it was evident from my visit that these are merely examples of the wider variety of architectural styles of properties that exist in the area which I have acknowledged. Each case must be determined on its own merits and based on site specific circumstances and considerations and they do little to justify the harm that I have identified.
14. I have considered the fall back position insofar as the reference to permitted development rights is concerned. It is not the role of an Inspector dealing solely with an application for planning permission to conduct an exercise as to lawful operations (such as would normally be formally determined by a lawful certificate application), in order to decide whether the appellant might be able to rely on permitted development rights as a fallback.
15. Nonetheless, the implementation of permitted development rights is more than a theoretical possibility and is a material consideration. The appellant refers to the restrictions for additional roof space for a semi-detached house but also refers to the property being part of a terrace². I agree it is part of a terrace and such development has a lower cubic content threshold than the appellant indicates.
16. I also share the Council's view that the rear extension referred to³ would be subject to neighbour notification, the outcome of which could not be assumed even if current occupiers did not object to the original application. Moreover, there is nothing substantive before me to suggest what such rights would allow what such a scheme would provide and that there is a realistic prospect of such rights being implemented were I to dismiss the appeal. I therefore give such a consideration little weight.
17. The appellant has referred to the presumption in favour of sustainable development as set out in Paragraph 14 of the National Planning Policy Framework ('the Framework'). However, I have found that the proposal would conflict with a development plan that is not absent, silent nor are relevant

¹ Set out in Annex A of the appellant's statement.

² Paragraphs 5.11 to 5.13 of appellant's statement.

³ Paragraph 5.5 of the appellant's statement.

policies out of date. As such, it would not be the sustainable development for which the Framework indicates a presumption in favour.

Conclusion

18. For the reasons given above, although there would be compliance with some parts of the development plan, the proposal would conflict with the development plan, when read as a whole.
19. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR