



Appeal Decision

Site visit made on 1 May 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/D5120/W/19/3222200

12 & 13 Alton Close, Bexley, Kent DA5 3QJ

- 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 Balson against the decision of the Council of the London Borough of Bexley.
 - The application Ref 18/00915/FUL, dated 17 April 2018, was refused by notice dated 8 August 2018.
 - The development proposed is a new double storey dwelling with two bedrooms and garden reconfiguration for 12 and 13 Alton Close.
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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 surrounding area
- The effect of the proposal on the living conditions of the occupiers of 12 and 13 Alton Close with particular reference to outlook, light and amenity space, and 11 Alton Close with particular reference to outlook, light and privacy,
- Whether the proposal would provide satisfactory living conditions for future occupants of the proposed dwelling with particular reference to internal space, and;
- The effect of the proposed parking arrangements on highway safety within Alton Close.

Reasons

Character and appearance

3. Alton Close is a predominantly residential cul-de-sac fronted by two storey dwellings of varying styles set back from the road behind gardens and verges. The inner end of the cul-de-sac is characterised by detached dwellings giving way to blocks of maisonettes containing 4 dwellings, with generous regular spaces separating the buildings generating a rhythm of buildings and gaps and a degree of spaciousness to the street. 12 and 13 Alton Close form one half of a block of maisonettes.

4. The proposed dwelling would extend the block of maisonettes by adding a house to one side of it, set back behind the frontage of this building. This would substantially reduce the gap between 11 Alton Close and Nos 12 and 13. Given the importance that I have placed on the rhythm of gaps and buildings to the character and appearance of the area, the reduction in the gap would be out of character and incongruous with the form of existing development when viewed from the street
5. The ridge and eaves height of the proposed dwelling would be substantially lower than that of the existing block to which the development is attached and the front and gabled flank of the development would be clearly visible from the street. The difference in heights between the proposed ridge and eaves and those on the existing structure would introduce a step in the block which would be at odds with the existing form of buildings in the area, which have a uniform ridge and eaves height for each structure. The difference in eaves heights would noticeably alter the overall character of the rooflines in the area. In this particular context that lack of conformity would be so significant as to amount to harm.
6. My attention has been drawn to a similar development at 9 Hartford Road, Bexley. From the limited information before me I do not consider that it is contextually comparable to the case in question. The development continues the roof and eaves lines of the terrace that it extends off of and the layout of buildings within the street differs significantly from that of Alton Close.
7. I therefore conclude that the positioning of the development would result in harm to the character and appearance of the area, contrary to saved Policies H3 and ENV39 of Bexley Council Unitary Development Plan – 2004 (the UDP) and Policy CS05(d) of the Bexley Core Strategy – 2012 (the Core Strategy) in as much as these require development to be compatible with the character or appearance of the area in which it is located.

Living conditions of neighbours

8. The rear face of Nos 12 and 13 has windows serving kitchens at both first and second floor levels which would be close to the proposed dwelling. Rear garden space is also located directly to the rear. The proposed dwelling would be two storeys in height and would project well over 4 metres beyond these windows. Anyone in the garden of Nos 12 and 13 closest to the rear door or at the windows closest to the boundary would experience an increased sense of enclosure from the new structure. Given the orientation of the proposed dwelling and the position of the windows to the kitchens of Nos 12 and 13 it is also likely that there would be a reduction in light to these windows as well as some shadow cast over the part of the garden of No 13, closest to the rear of the maisonettes, during the early part of the day.
9. I turn now to No 11. The side elevation of this property has windows at both first and second floor levels which look out in the direction of the development site. Because of the distance between No 11 and Nos 12 and 13 there is currently a good degree of openness to that aspect and a sense of spaciousness of outlook. The development would introduce a building into this area which would reduce the distance significantly and as a consequence, occupiers of No 11 would experience a harmful overbearing effect and an increased sense of enclosure due to the presence of the development. Given the orientation of the proposed dwelling and the position of the windows in No

- 11 it is likely that the occupiers would also experience some reduction of light to those windows during the afternoon.
10. The elevation facing towards No 11 from the proposed development contains windows on both floors, one of which is obscure glazed. The proposed elevation on the flank wall facing No 11 has windows on both floors, some serving habitable rooms. Given the relative positions of the windows on the two properties, the difference in height and their proximity and the form of the boundary between the two sites, the occupiers of No 11 would experience a loss of privacy which, in this case could not necessarily be overcome by the imposition of a planning condition to secure obscure glazing. This is because some of these windows serve habitable rooms and obscuring glazing would adversely affect the internal environment here.
11. In regard to the outdoor amenity space for Nos 12 and 13, an access route is proposed from the front door of No 12 around the side and rear of the proposed dwelling to access its garden some 35m in length. The access to the garden for No 12 would therefore be inconvenient and likely to discourage use of the remaining outdoor amenity area by occupiers of No 12. In addition to this the appeal site backs onto a railway line and trains run frequently along this track in close proximity to the proposed garden for No 12. The noise and disturbance from passing trains and the comparatively small size of the garden would be likely to further discourage the use of the garden for No 12.
12. I therefore conclude that the development would result in significant harm to the living conditions of the occupiers of Nos 12 and 13 in terms of loss of outlook and light and No 11 in terms of loss of outlook and light, and overlooking contrary to saved Policies H7, H8, and ENV39 of the UDP in as much as these policies seek to protect the living conditions, amenity and environment of adjacent properties. I also conclude that the proposal would not provide satisfactory external amenity space for occupiers of 12 and 13 Alton Close contrary to Policies H6, H7 and H8 of the UDP, in as much as they require development to provide adequate usable on-site amenity space to protect the amenities and privacy of neighbours. Similarly, the proposal would be contrary to the advice given in Design for Living Supplementary Planning Document - Bexley's residential design guide (2006) regarding provision of usable private amenity areas.
13. The appellant asserts that there are other examples of development in London where it is necessary to pass around a building to access a garden, but has provided no specific examples of such cases. In the absence of such information I have considered the proposal before me on its own merits.

Living conditions of future residents

14. Policy 3.5 of the LP refers to the Technical Housing Standards Nationally Described Space Standard. For a two bedroom dwelling over two storeys, such as that proposed, a minimum internal floor area of 79 square metres is required, and the appellant says that the proposal satisfies this. The Council dispute this but have not provided substantive evidence in this respect. In any event, the plans before me show practical layouts of rooms with adequate circulatory space for future occupants.
15. On the evidence before me I therefore conclude that the proposal would provide acceptable living conditions for future occupants, with regard to the

provision of internal space and is therefore in accordance with Policy 3.5 of the London Plan (2016). Similarly, the development would not be contrary to the advice contained in the Mayor for London's Housing SPG in as much as it requires development to reflect best practice guidance set out by the GLA (Greater London Authority). I do not find that saved Policies H6, H7 or H8 of the UDP have any relevance in this matter as they deal with the requirements of outdoor amenity space and, in the Case of H8, privacy and outlook for internal and external space.

Car Parking

16. Few of the dwellings in the vicinity of the appeal site have off street parking within plot, but a communal garage area is nearby, accessed from the end of the street. Whilst admittedly only a snapshot of the situation, on the morning of my site visit I noticed that there was a considerable length of on-street parking extending along one side of the street and in the turning head. I also observed that the speed of motor vehicles in this environment was, generally, low.
17. The appellant has two garages within the parking court and has identified two potential parking spaces to offset any parking demand for the additional dwelling. One of these spaces is within the garage court. I have little evidence before me that this space is, by virtue of its size and position, suitable to provide a parking space.
18. The other space would be in the front garden of No 13, for which planning permission has been granted. This would be a viable parking space and would provide parking for one vehicle for the use of No 13. This would allow use of the existing garage space for No 13 to be reallocated to the new dwelling, providing one off-street parking space for each of the two existing dwellings and one for the new dwelling. This would offset the demand for parking from the new dwelling and, whilst this will not reduce existing difficulties accessing along Alton Close, there would be no significant additional detriment to the existing situation resultant from the proposal.
19. I conclude that the proposal would make adequate provision for off-street car parking and is therefore in accordance with saved Policies H8, ENV39 and T17 of the UDP in as much as these require that development should make adequate provision for vehicle parking and safe access.
20. The appellant has suggested a condition requiring the provision of the off-street parking space for No 13 and reallocation of the existing garage to the proposed dwelling. I consider this is a matter that could be addressed through the imposition of a planning condition, were I minded to allow the appeal.
21. The Highway Authority has argued that the existing garages may not be of a suitable size internally to accommodate a vehicle. However, they are existing garages and I have no substantive evidence before me that they could no longer be used to store a vehicle. They further query the suitability of the access to the parking spaces by virtue of vegetation growth and poor quality of surfacing, however, during my site visit I observed its usage by vehicles without problem.

Other matters

22. It has been suggested that the impact of the proposal could be mitigated by a planning condition adjusting the ground levels of the proposal. However, this would not overcome all of the harm I have identified.
23. While I recognise that the provisions of the development plan and the National Planning Policy Framework may provide some support for the development, there would nevertheless be conflict with policies that concern matters of detailed design, with those matters being central to the main issues that I have identified for consideration in connection with the determination of this appeal. I therefore consider that when the development plan and the Framework are read in the round this development would not be in accordance with them.

Conclusion

24. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR