
Appeal Decision

Site visit made on 25 July 2019

by R J Maile BSc FRICS

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/D5120/W/19/3225491
124 Upton Road, Bexleyheath, Kent, DA6 8LX.

- 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 Krzysztof Piadlowski against the decision of the Council of the London Borough of Bexley.
 - The application ref: 18/00974/FUL, dated 6 April 2018, was refused by notice dated 2 October 2018.
 - The development proposed was originally described as: "A new build of a single storey 2 bedroom house in the rear garden of Upton Rd."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 bedroomed detached dwelling with associated parking spaces and amenity space at 124 Upton Road, Bexleyheath, Kent, DA6 8LX, in accordance with the terms of the application ref: 18/00974/FUL, dated 6 April 2018, subject to the conditions set out at Annex A to this decision.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. Part E of the appeal form states that the description of development has not changed. Nevertheless, a different wording has been entered, which is identical to that used by the Council. Given that the Council's description of development more accurately reflects the scheme before me, I have used it in my formal decision.
3. The Government has published an updated National Planning Policy Framework (February 2019). I shall proceed upon this basis.

Main Issue

4. The main issue in this case is the effect of the proposed new dwelling upon the character and appearance of the surrounding area.

Reasons

5. 124 Upton Road is a large detached house erected during the inter-war period. The surrounding area is principally residential in character, with detached and semi-detached houses and bungalows nearby.

6. There is a school (Upton Primary School) located to the rear of the appeal site. This benefits from a secondary means of access over a roadway adjacent to the northwest boundary of the subject property to the large car park serving the school. There is also a wide tarmac pavement between the roadway and the boundary fence of no. 124 that is available to the children who attend the school, together with staff and parents.
7. The scheme before me proposes the demolition of a substantial double garage and two wooden sheds and the erection of a small dwelling of contemporary design at the far extremity of the garden of the subject property, with access over the roadway leading to the school. This roadway also provides access to the existing double garage of no. 124 and to an unmade service road running behind the adjacent houses in Upton Road.
8. National policy at Chapter 12 of the Framework¹ seeks to ensure that developments are well designed and are sympathetic to local character and history, including the surrounding built environment (paragraph 127). Of relevance to my determination of this appeal is paragraph 131, which states:

"In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."
9. Policy 7.4 of The London Plan² and "saved" Policies ENV39 and H3 of the UDP³ require development to have regard to and be compatible with the character of the surrounding area.
10. Given the backland location of the appeal site, "saved" Policy H8 of the UDP is relevant. It sets out a total of four criteria, including the need to ensure that any dwellings within rear gardens do not adversely affect the character of the area and that such developments should benefit from an adequate and safe access for vehicles and pedestrians.
11. Policies CS01 and CS02 of the Core Strategy⁴ both seek to achieve sustainable development. Amongst other matters, they require that development should reflect or, where possible, enhance the unique elements of Bexley's suburban character.
12. My attention has been directed to a number of backland developments within the vicinity. The Council's pre-application response to the appellant dated 3 November 2017 states that in principle the proposal of a new dwellinghouse at this location can be considered favourably, although concern was expressed as to the design of the scheme. It was noted, however, that there was the potential to explore design options that would provide a satisfactory outlook for future occupiers and a more acceptable appearance to the elevations.
13. The detailed proposal before me would utilise the rearmost part of the large garden of no. 124, with access being taken from the single track roadway that serves the school car park, the double garage belonging to the appellant and

¹ The National Planning Policy Framework (February 2019).

² The London Plan – The Spatial Development Strategy for London Consolidated with Alterations since 2011 (March 2016).

³ London Borough of Bexley Unitary Development Plan (adopted 28 April 2004).

⁴ London Borough of Bexley Core Strategy – Local Development Framework Development Plan Document (adopted 22 February 2012).

the service road running behind 124 to 138 Upton Road. The chosen design seeks to make effective use of the available garden and incorporates a flat 'green' roof, two bedrooms, living accommodation, amenity space and parking for two cars clear of the service road.

14. From the observations in both the pre-application response and the Officer's Report, it would appear the Council is concerned that the flat roofed design and use of black Ibstock bricks would be out of character with the more traditional appearance of nearby dwellings, including the host building at no. 124.
15. Whilst noting these concerns, having regard to its low height and the existing boundary fencing to no. 124 the new dwelling would be largely screened from Upton Road and from the access roadway. Furthermore, its design would to some extent reflect the modern school buildings to the rear, which have part brick and part rendered elevations with low pitch, single span roofs.
16. I see no objection to the use of a 'green' roof, which incorporates photovoltaic panels and would enhance the sustainable credentials of the dwelling. I also consider that the use of black Ibstock bricks, although not in keeping with the materials of the host dwelling, reflects the contemporary design of the scheme.
17. The proposed dwelling would provide high quality residential accommodation that would assist in the provision of housing within the Borough. Although of an innovative design, the new structure would not be wholly at odds with the immediate surroundings associated with the nearby school buildings and will accord with the flexibility provided by paragraph 127 c) of the Framework. Furthermore, the siting of the dwelling would ensure that the more traditional appearance of the frontage dwellings along Upton Road will not be adversely affected.
18. For these reasons, I find upon the main issue that development as proposed would not be harmful to the character and appearance of the surrounding area and that it would not conflict with the design and sustainability aims of both national and Development Plan policy as referred to above.

Other Matters

19. A number of local objectors have expressed concern as to the potential conflict between vehicles accessing the appeal site and children attending the adjacent Upton Primary School.
20. I have noted that the Council's Highways Officer has raised no objection to the proposal, subject to conditions. Furthermore, the very wide pavement of the accessway is separated from the roadway by a kerb. It is also the case that the accessway already serves the large school car park and the existing double garage to the subject property, together with other garages along the service road.
21. These factors lead me to conclude that the erection of a dwelling as proposed would not bring about any increased danger to children using the secondary means of access to the primary school.

Conditions

22. I have considered the conditions put forward by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance.

23. Suggested Condition 4 requires the submission for prior approval of a schedule of materials and finishes to be used in the roof and walls of the dwelling. This information, however, is specified at section 9 of the application form and, for the reasons given at paragraph 16 above, I consider the proposed materials to be acceptable. I have therefore imposed an amended condition (no. 3) to reflect this.
24. I find the balance of the conditions to be both reasonable and necessary in the circumstances of this case, although I have amended the wording of certain of them where required. My reasons for the conditions are:
25. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Given its restricted size, Condition 2 will allow the Council to exercise control over any future development at the appeal site, in the interests of the visual amenities of the area.
26. Conditions 3, 4, 5 and 6 will ensure a satisfactory appearance to the completed development and the provision of refuse and recycling facilities to serve the dwelling, again in the interests of the visual amenities of the area. Conditions 7 and 8 are necessary for reasons of pedestrian and highway safety. Condition 9 will secure the provision of adequate bicycle parking facilities at the site in the interests of reducing reliance on private car transport.
27. As to Condition 10, requiring the development to be carried out in accordance with the approved plans, this provides certainty.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) no development within Classes A to D of Schedule 2, Part 1 of the Order shall be carried out to the dwelling hereby permitted.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified at section 9 of the planning application form.
- 4) No development above slab level shall take place until details of a scheme of landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No development above slab level shall take place until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details before the dwelling hereby permitted is first occupied and permanently maintained thereafter.
- 6) The dwelling hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with details (including the means of enclosure for the area concerned where necessary) that shall first have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage facilities shall be permanently maintained thereafter.
- 7) The dwelling hereby permitted shall not be occupied until the area shown on Drawing no. P0002/V3 has been laid out, drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority; and that area shall thereafter be kept available at all times for the parking of vehicles.
- 8) Before the vehicular access is first brought into use it shall be provided with those parts of 2.4 metre x 2.4 metre pedestrian visibility splays that can be accommodated within the site in both directions; and the pedestrian visibility splays so provided shall thereafter be permanently maintained free of all obstruction to visibility between heights of 0.6 metres and 2.0 metres above the level of the adjoining service road.
- 9) Before any part of the development hereby permitted is first occupied bicycle parking for at least two bicycles shall be provided at the site in accordance with details (including covered storage facilities where appropriate) that shall first have been submitted to and approved in writing by the Local Planning Authority; and the bicycle parking/storage facilities so provided shall be permanently maintained thereafter.

- 10) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; P001/V2; P002/V3; P003; P004; P005.