



Appeal Decision

Site visit made on 4 September 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2019

Appeal Ref: APP/D5120/W/19/3231390

95A Buckingham Avenue, Welling DA16 2ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms D Bortone against the Council of the London Borough of Bexley.
 - The application Ref 18/02644/FUL, is dated 10 October 2018.
 - The development proposed is described as 'demolition of vacant house. Construction of 5 apartments and associated car parking'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. The main issues are
 - (i) the effect of the development on the character and appearance of the area, and;
 - (ii) whether or not the development would provide acceptable living conditions for occupiers of the proposed dwellings with particular regard to outlook, privacy and the provision of external amenity space.

Reasons

Character and Appearance

3. Buckingham Avenue is a suburban street of similar character to the surrounding residential roads. The mix of two-storey semi-detached and terraced dwellings are for the most part finished in pebbledash or painted render with spacing at first floor level between buildings providing for views through to mature trees and garden backdrops to their rear. Hipped roof forms with central front gable features shared between pairs of dwellings, two-storey bay projections to front elevations and regular patterns of fenestration predominate. The high degree of consistency gives a distinctive character to the area which is reinforced by the rectangular plots and positioning of dwellings on strong building lines, further contributing an attractive rhythm to the street scene.
4. Contrasting with this overall pattern to some extent, No. 95A is a detached dwelling finished in brick with a gabled roof form set between two single-storey garages. Given spacing present to the rear of dwellings on The Green to the

south of the appeal site and the pathway which runs along its rear boundary, the unusual triangular plot with much of the garden provided to the side of the dwelling is also apparent from the street. Additionally, the screening provided to the front boundary of the site by vegetation is further at odds with the low walls or open frontages typically provided to other properties nearby. However, the scale, two-storey height of the dwelling and its set back from the street are comparable to the neighbour at 95 Buckingham Avenue. As a consequence, the site and dwelling do not appear unduly prominent or significantly interfere with the prevailing pattern and uniformity of the street scene.

5. The proposed development would replace the existing building with a block of 5 flats. The main part of the building would be broadly in line with the front elevation of No. 95 and it has been designed to appear as two-storeys from the front elevation with a roof no higher than this neighbour. However, the entrance and internal steps providing access to the upper floor flats would step significantly forward of the main part of the building. While this is a relatively narrow section of the front elevation, it would have a height in part above the first floor level of this and neighbouring buildings, and the proximity to the street and considerable projection beyond the established building line would nevertheless form a highly prominent and intrusive feature in the street scene.
6. Further harm would arise as a consequence of the building's mass and width across the plot. The footprint would not be greater than some of the nearby terraces when viewed as a whole. However, these are clearly seen as a group of individual properties set within individual plots.
7. In this case, the building would be set close to the neighbour at No. 95 which is already positioned up to the common boundary, and the rear building line would approach the tapered rear boundary of the site as it narrows, significantly reducing space around the building and views through the site. The roof would be of significant scale, and the limited fenestration and detailing to the flank elevations would do little to break up their significant depth or add interest. The bulk of the building and proximity of the stepped rear building line to the rear boundary would be particularly apparent in views from the west. As a result, the development would appear cramped and awkward on its plot.
8. The incongruous nature of the building would be further highlighted by the mismatching fenestration detailing to the front elevation which would stand out against the regular proportions and alignment which are characteristic of the area. The multipart roof form would additionally be jarring and discordant against the generally similar designs with few alterations evident to the street scene and the resulting orderly roofscape.
9. I therefore conclude that the proposed development would be an incongruous and prominent feature in the street scene and there would be unacceptable harm to the character and appearance of the area. It would thus be of poor design and would be contrary to Policies CS01 and CS07 of the Core Strategy 2012 (CS), saved Policies ENV39 and H3 of the Unitary Development Plan 2004 (UDP) and Policies 3.5 and 7.4 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP). These policies include requirements for high quality housing development that is sympathetic to local character and which maintains and improves Bexley's suburban character including through regard to the pattern and grain of existing spaces, ensuring that spaces around buildings are compatible with the

local character, and that the scale, massing, layout or elevational treatment of development does not adversely affect the street scene.

Living Conditions

10. Saved Policies H6 and H7 of the UDP require that residential development normally provides adequate usable on-site amenity space and for a reasonable degree of privacy and outlook for space within and outside dwellings. The Council have also referred to guidance within the Design for Living Supplementary Planning Document 2006 (SPD) that amenity space should be a minimum of 45% of the plot area for flatted developments.
11. The Council calculate that the plot is around 445sqm and that the development would provide approximately 130sqm amenity space and this has not been challenged by the appellant. On this basis, amenity space provision would be equivalent to around 30% of the plot area and would fall some way short of the SPD guidance. In addition, the shape and layout of the ground level space that would be available to future occupiers on the site would narrow significantly given the triangular plot available, restricting its functionality. Given the limited depth of this space, the significant scale of the building would also be a dominant feature to users of the space and this would be exacerbated by shading from overhanging mature vegetation present along much of the boundary to the site. While the quantum of provision in itself may not be determinative, overall, I find that these factors would severely constrain the attractiveness and usability of the intended amenity space such that its value to future occupiers would be limited.
12. With regard to the internal environments, the Council have indicated that the layout of the flats does not illustrate built-in storage areas. However, I note that they meet the minimum requirements identified within LP Policy 3.5 in terms of overall internal space. The layouts shown would provide for usable areas with potential to accommodate storage, and would not result in a cramped internal environment for future occupiers.
13. However, outlook from the main living accommodation to the ground floor flat closest to No. 95 would be onto one of the proposed parking areas where parked vehicles would be in very close proximity. Notwithstanding the full height glazing indicated, this would dominate the outlook from this flat which would be detrimental to the living conditions of future occupiers. Furthermore, the proposed site layout indicates provision for refuse storage at the rear of the deepest part of the site. Access to this would entail residents having to walk close to either of the ground floor flats and windows serving these, adversely affecting the privacy of future occupiers.
14. I therefore conclude that the development would fail to provide acceptable living conditions for occupiers of the proposed dwellings with particular regard to outlook, privacy and provision of external amenity space. Given this, it would be contrary to saved Policies H6 and H7 of the UDP, as well as saved Policy ENV39 of the UDP and Policy 3.5 of the LP which include a requirement for housing development of a high standard of design and layout and the highest quality both internally and externally.

Other Matters

15. In support of the appeal, I have been referred to an example of a four-storey block of flats at Lingfield Crescent. However, I saw that this was some distance from the site and is at the edge of a mixed commercial and residential area around Falconwood Station. It is therefore of different character to the appeal site and does not provide support for the development proposed.
16. I acknowledge that No. 95A is apparently vacant and the overgrown condition of the site. However, while I note the appellant's suggestion that the development would necessitate clearing of the alleyway to the rear of the site which is overgrown and subject to fly tipping, this is not shown as part of the appeal site, and there can be no certainty that this would be an outcome of development.
17. The appellant has also indicated that the proposed flats would be affordable. However, this appears to be on account of their price as flats in comparison to the family houses which are typical within the area, rather than meeting the definition of affordable housing as set out within national and local planning policy. There is some disagreement between the parties about the accessibility of the site. While the provision of additional housing would nevertheless be a benefit of the scheme, none of the above are factors which would outweigh the harm that I have identified to the character and appearance of the area and to the living conditions of future occupiers.

Conclusion

18. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR