
Appeal Decision

Site visit made on 15 October 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2020

Appeal Ref: APP/D5120/W/19/3233914
441 Blackfen Road, Sidcup DA15 9NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mrs W Etebe against the decision of the London Borough of Bexley.
 - The application Ref 19/00264/FUL, dated 5 February 2019, was refused by notice dated 24 May 2019.
 - The development proposed is the change of use from residential to mixed use spaces, to provide an office floor space on the ground floor, 1 x 2-bed flat on the first floor and provision of bicycle storage and refuse / recycling storage area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original planning application described the proposed development at first floor level as being a 1 x 2-bed flat with the accompanying drawings showing 2 separate bedrooms. This proposal was amended during the application process to a 1-bed flat for one person and was determined on that basis. For the avoidance of any doubt, I have also determined this appeal on the basis of the amended plan.

Main Issues

3. The main issues are:
 - The effect of the conversion on the supply of family housing;
 - The effect of the proposal on highway safety;
 - Whether or not the proposal would provide satisfactory living conditions for occupants of the flat and neighbours; and
 - The effect of the rear roof terrace on the character and appearance of the area.

Reasons

Supply of Family Housing

4. The appeal property is a semi-detached dwelling located within a predominantly residential area. The proposal involves the change of use of the ground floor to an office to accommodate the relocation of an existing

domiciliary care business from Wellington Avenue about 2km away, together with the creation of a 1-bedroom 1-person flat on the first floor. The appellant acknowledges that the proposal would result in the loss of a family dwelling.

5. Policy H11 of the Council's Unitary Development Plan 2004 (UDP) permits the conversion of those dwellings which, at the time their construction, measured 110 sq. m or larger and which, amongst other matters, provide sufficient vehicle spaces and sufficient amenity space. According to the appellant the current dwelling measures just under 139 sq. m. However, I have been provided with no floor space figure for the original dwelling and it is apparent to me that it has been substantially extended at some point in time.
6. Consequently, in the absence of any definitive evidence concerning the size of the original dwelling I find, as a matter of fact and degree and on the balance of probabilities, that it measured less than 110 sq. m at the time of its construction. Thus, irrespective of the other requirements stipulated, I find that the proposal would conflict with Policy H11 of the UDP which only supports proposals for dwelling conversion subject to specified conditions.

Highway Safety

7. It is anticipated that there would be 7 full-time and 1 part-time staff members based at the office working between 9am and 6pm. The office will also be used from time to time for the training of between 10 to 20 new staff who would be working off-site.
8. I understand that although bus services run along Blackfen Road the PTAL score for the site is 2 (poor). Although the proposal does include storage space for bicycles which would also make it easier for staff to cycle to work there is a possibility that some would decide to drive. The appellant contends that because many of her staff used public transport there were no highway safety or congestion problems associated with her domiciliary care agency during 5 years of operation at its previous location, which was also next to a busy road with limited parking. However, I do not have any information before me to verify that submission and consider its relevance to the current proposal. Consequently, because of the relatively poor level of public transport provision I think that, on the balance of probabilities, it is highly likely that many staff would travel to the new office by car.
9. To the front of the property is a parking area for 2 vehicles for those working in the office. This level of provision complies with the maximum parking levels set out in Policy T17 of the UDP. The policy, however, also requires the appellant to demonstrate that the development proposal would not lead to off-street parking or impact on the amenity of neighbours. In addition, paragraph 109 of the National Planning Policy Framework (the Framework) advises that development should not result in unacceptable highway safety problems.
10. The parking area is accessed directly from the Blackfen Road which, from what I saw when visiting the site, is very busy. The problems of manoeuvring a car into, and out of, a small car park are likely to become significantly more difficult with the vehicle numbers associated with a place of work. The Council has stated that vehicular access and egress can be performed without the use of reverse gear. Because of the very confined nature of the parking area, however, I believe that it is inevitable that staff would occasionally seek to

reverse onto the main road when departing. A pedestrian crossing very close to the site entrance will further increase the risk of pedestrian / vehicle conflict.

11. Car-borne staff might seek to avoid the difficulty of parking in a small on-site car park by trying instead to find a space on a neighbouring residential road such as Westerham Drive. However, some of this road is subject to parking restrictions and, in any event, on-street parking in residential areas is likely to present a safety hazard to playing children. Further, on the evidence presented to me I understand this road is already subject to high on-street parking usage, particularly by parents collecting children from the school opposite the appeal site.
12. The shared driveway to the side of the property would only be available for the occupant of the upstairs flat. The Council requires 1.3 parking spaces for small flats outside town centres and in areas with poor transport provision. I consider that the level of proposed provision for the flat is adequate and complies with Policy T17 of the UDP.
13. For the reasons set out above, I find that the proposed parking arrangements for the office-based staff to be unsatisfactory and likely to cause a danger to local highway safety. It would, therefore, fail to comply with Policy T17 of the UDP which requires the appellant to demonstrate that a development would not create on-street parking problems. It would also conflict with Policy CS15 of the Bexley Core Strategy 2012 which seeks to promote the free flow of traffic on the highway network and maintain safety. Finally, it would fail to comply with paragraph 108 of the Framework which seeks to ensure that safe and suitable access can be provided to new development.

Living Conditions

14. The proposed development includes a 1-bedroom one-person flat which includes a balcony measuring around 11 square metres overlooking the rear garden. The rear garden would be divided in to 2 parts. Access to the rear garden would be from the front door of the dwelling via the driveway to the side of the property. Although this access would be somewhat circuitous, I consider that any inconvenience would be largely offset by the availability of the rear roof terrace.
15. The proposed rear roof terrace would be large enough to accommodate a table with seating for about 4 people. According to the appellant it would be set-in from the neighbouring property by just under 4 metres. Any noise made by people on the roof terrace might be heard by neighbouring occupants, but I am not convinced that this would be any more disruptive than would be the case were the same noise to be made by people sitting within their garden.
16. Consequently, I find that the appeal proposal would provide adequate living conditions for future occupants and neighbours. Thus, the proposal is compliant with policies H6 and H11 of the UDP which require that accommodation includes a satisfactory standard of outdoor amenity space.

Character and Appearance

17. The roof terrace would sit above the ground floor extension to the rear of the appeal property. It would extend from the rear wall about half the length of the ground floor room below and would be about half the width of the dwelling. It

would be contained by privacy screens on each side and by railings to the front.

18. During my visit I did not see any other roof terraces or balconies within the neighbourhood. To this extent it would be an alien and discordant feature. Nevertheless, because of its design and positioning, set back by some distance from the edge of the ground floor extension, I consider that it would be relatively unobtrusive.
19. Consequently, I find that the proposed roof terrace would not cause harm to the character and appearance of the area. It would, therefore, comply with Policy Env 39 of the UDP and paragraph 127 of the Framework which both seek to ensure that new development respects the character and appearance of the area.

Other Matters

20. I accept that the proposal would allow the transfer of employees to what might be more suitable premises. I also note that there could be benefits in having a domiciliary care business close at hand for elderly people living in the area. Finally, I acknowledge that although it would lead to the loss of a family dwelling it would provide a 1-bedroom 1-person flat. These are all factors which support the proposal.

Planning Balance and Conclusions

21. I have found that the proposal would provide for the satisfactory living conditions of future occupants of the first floor flat and neighbouring dwellings. I have also found that the rear roof terrace would not cause harm to the character and appearance of the area.
22. However, I have found that the proposal would result in the loss of a family dwelling and cause a danger to local highway safety, endangering both pedestrians and vehicle users. On balance, I find that the appeal proposal does not comply with the development plan. I have found no other considerations that would outweigh that finding and, for this reason, the appeal is dismissed.

William Walton

INSPECTOR

