



Appeal Decision

Site visit made on 17 February 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2020

Appeal Ref: APP/D5120/W/19/3241329

12 Victoria Road, Erith DA8 3AW

- 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 S Rutherford against the decision of the Council of the London Borough of Bexley.
 - The application Ref 19/00868/FUL, dated 5 April 2019, was refused by notice dated 14 June 2019.
 - The development proposed is the erection of a 3-bedroom family dwelling chalet bungalow set on No. 12 Victoria Road, between Nos 10 & 14, with associated outdoor amenity and off-street parking.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living condition of the occupiers of the neighbouring dwelling, No. 14, with regards to outlook.

Reasons for the Recommendation

4. The appeal property is an undeveloped site located between Nos.10 and 14 Victoria Road and is currently used for vehicular parking. The neighbouring property to the south (No.14) is a detached bungalow, and the development proposed is a chalet bungalow style detached dwelling.
5. The bungalow at No.14 Victoria Road has a side facing window, which serves a bedroom. This window is in close proximity to the boundary with the appeal site and would be around 2 metres from the side elevation of the proposed dwelling. The eaves of the proposed dwelling would be slightly higher than that of No.14. Therefore, due to this and its close proximity, the proposal would have overbearing impact on the neighbouring property and the outlook from the bedroom window. It is noted that there is currently a tall close boarded fence on the boundary with No.14, which already blocks some of the neighbouring occupier's outlook. However, due to its greater height and mass,

the proposal would have a more detrimental effect on the outlook from this window, and create a harmful sense of enclosure.

6. A desk-top study, carried out by Base Energy Services for the appellant, states that the proposed development can be considered acceptable in planning terms. However, although the internal daylight levels would be acceptable, it indicates that the visible vertical sky component would be reduced by over half the existing amount which would be contrary to BRE advice. Furthermore, the study only looks at the impact on daylight but does not take into account the other factors which affect outlook, such as the overbearing and enclosing perception of the proposed development.
7. It is noted that no objections have been received from the current occupiers of the neighbouring dwellings. However, future occupiers must also be considered and therefore this does not overcome the harm found.
8. Consequently, the proposed development would have a harmful impact on the living conditions of the occupiers of the neighbouring dwelling. Therefore it would be contrary to Policies ENV39, H7 and H8 of the Bexley Council Unitary Development Plan (2004) which collectively seek to ensure new development would not prejudice the environment of the occupiers of adjoining properties by ensuring proposed dwellings are adequately separated from other dwellings and there is a reasonable degree of outlook.

Other Matters

9. I accept, given the vacant nature of the plot between two houses, that it is not unreasonable for the occupiers of No 14 to expect to see a dwelling built on the site, and that their bedroom window would be likely to face any such dwelling. Nonetheless that does not mitigate for the harm that would be caused by this proposal.
10. The appellant has highlighted several other similar developments within the Erith and Bexleyheath area, which they believe have set a local precedent and show inconsistency in the decisions made by the Council. However, from the photos provided, the specific circumstances of these developments are unknown and, in any case, the circumstances at other sites should not excuse the need to provide acceptable living conditions in this case. Therefore, similar developments cannot be attributed any weight within this appeal.
11. The appellant also states that they are looking to make an economic return on the site and could use permitted development rights to use the site for light industrial use. However, although it is understandable that the appellant would want to maximum their economic benefits from the site, this is not a matter which could be given significant consideration as no further evidence has been provided on what could be done under permitted development rights, and therefore this could only be afforded limited weight.
12. Other benefits of the proposed development have been drawn to my attention such as a positive contribution to the streetscene, improved security of the site, enhanced landscaping and biodiversity and the provision of a family home within the area. Although these are all positive benefits of the proposal, they do not overcome the harm found to the living conditions of the occupiers of the neighbouring dwelling.

Conclusions and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR