
Appeal Decision

Site visit made on 2 June 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: 16 June 2020

Appeal Ref: APP/D5120/D/19/3244187

214 Bedonwell Road, Bexleyheath DA7 5PZ

- 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 P Bartlett against the decision of the Council of the London Borough of Bexley.
 - The application Ref 19/01999/FUL, dated 14 August 2019, was refused by notice dated 9 October 2019.
 - The development proposed is a detached garden annexe to the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garden annexe to the rear of the property at 214 Bedonwell Road, Bexleyheath DA7 5PZ in accordance with the terms of the application, Ref 19/01999/FUL, dated 14 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan Existing, Block Plan Proposed, Block Plan - proposal to connect to existing drainage system, Proposed Garden Annexe Plan, Proposed Garden Annexe Front Elevation, Proposed Garden Annexe Rear Elevation, Proposed Garden Annexe Side A Elevation, Proposed Garden Annexe Side B Elevation.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan titled 'Proposed Garden Annexe Plan'.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 214 Bedonwell Road, Bexleyheath DA7 5PZ.
 - 5) The development shall not be occupied until details of a suitable boundary treatment, with a height of 2 metres, between the gardens of No.214 Bedonwell Road and No.212 Bedonwell Road, has been submitted to and approved by the local planning authority in writing. This shall be carried out in accordance with the approved details before the occupation of the annexe and retained thereafter.

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 Issues

3. The main issues in the appeal are:
 - whether the development would provide satisfactory living conditions for its occupiers in respect of accommodation standards,
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties in relation to privacy, noise and disturbance.

Reasons for the Recommendation

Accommodation Standards

4. The appeal site is occupied by a semi-detached chalet bungalow style dwelling with a large shed in the rear garden. The proposal would introduce a second outbuilding in the rear garden with a living area, kitchenette, two bedrooms and a bathroom, to provide ancillary residential accommodation.
5. It is noted that the annexe has all the necessary facilities to be used as an independent unit, such as a bathroom and kitchen, and there are concerns from the Council that it may be used as such. However, access to the proposed annexe would be via the driveway and garden of the main dwelling and therefore these facilities, at least, would be shared. The proposed development would not be accessible independently of the main property. It is therefore reasonable to consider that the proposal would not result in a separate dwelling. The appellant has stated that they would accept a condition to restrict the use of the annexe to ensure it is linked to the host dwelling.
6. Consequently, as the proposed development is for an ancillary annexe which would be supported by the main dwelling, and not a separate dwelling, the Nationally Described Space Standards are not relevant.
7. Therefore, the proposal would provide satisfactory living conditions for its occupiers in respect of accommodation standards. It would not conflict with the Nationally Described Space Standards (2015), London Plan Housing SPG (2016) or the London Borough of Bexley Design for Living SPD (2006), as these relate to new dwellings rather than annexe accommodation.

Living Conditions

8. The front elevation of the proposed annexe would have glass patio doors and a window serving the living area, along with a window serving the bathroom. These windows would face the rear of the host dwelling and, at an angle, the neighbouring properties (No.212 and 216 Bedonwell Road). The view of the dwelling at No.216 is largely blocked by the existing shed. However the dwelling at No.212, including its ground floor windows, would be slightly visible from the windows on the front elevation of the proposed annexe.

9. The Council's Design for Living SPD states that there should be a separation distance of at least 22m where there are habitable windows facing habitable windows. The proposal would not accord with this guidance, however the SPD is intended for new residential development rather than ancillary outbuildings. Notwithstanding this, the proposal is single storey in nature and therefore any views into the neighbouring property would be limited by the existing boundary treatment. Furthermore, the appellant has stated that a 2-metre boundary treatment could be erected between the two sites, where there is currently a small brick wall and a hedge, to further minimise any overlooking. This could be secured by condition and would satisfactorily secure the privacy of the occupiers of No. 212.
10. The Council have also raised concerns which relate to an increase in activity within the rear garden environment, caused by the proposed annexe. Although pedestrian activity may increase to and from the property, no direct vehicular access is proposed and vehicles are already able to access the rear of the property through a side entrance. Therefore the resultant noise of the increased activity would be minimal and akin to a similar incidental garden outbuilding.
11. Overall, the proposed annexe would not harm the living conditions of the occupiers of the neighbouring dwellings and would not conflict with Policies ENV39 and H3 and H7 of the Bexley Council Unitary Development Plan (2004). These seek to ensure new development does not prejudice the environment of the occupiers of adjacent property and provides a reasonable degree of privacy. Policy H8 of the Bexley Council Unitary Development Plan (2004) relates to new dwellings and therefore is not relevant for this proposal.

Other Considerations

12. A letter of representation to the original planning application raises concerns regarding Council tax and potential damage to the boundary wall. These are not planning matters and therefore have no bearing on the consideration of this appeal. There were also concerns regarding a loss of privacy, however this would be addressed by the boundary treatment secured by condition.

Conditions

13. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty. A condition requiring the use of the materials detailed within the plans is also necessary to ensure an appropriate appearance for the development.
14. As discussed previously, a condition has been included to ensure that the building is used as an ancillary annexe which is linked to the main dwelling. This is to prevent the use of the building as an independent dwelling which would have different impacts which have not been assessed in this appeal. Also included is a condition, as suggested by the appellant, to ensure that a suitable boundary treatment is established to protect the privacy of the occupiers of the neighbouring dwelling.

Conclusions and Recommendation

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

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR