



Appeal Decision

Site visit made on 5 October 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/D5120/D/20/3254331
28 Beechway, Bexley, DA5 3DG

- 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 & Mrs P Bennett against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/00807/FUL, dated 3 April 2020, was refused by notice dated 1 June 2020.
 - The development proposed is the demolition of an existing detached garage and erection of a detached garage and studio.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene and the area.

Reasons

3. The appeal site occupies a position within a residential area and is set at the junction between Beechway and The Sanctuary. The site accommodates a semi-detached chalet-style bungalow as well as an existing detached garage situated adjacent to the boundary and flank elevation of No. 26 Beechway.
4. The proposed garage and studio structure would be much larger than the existing detached garage which is comparatively limited in its scale and has a generally recessive impact within the street scene. The proposed structure would possess a mansard-style roof on the element closest to The Beechway and overall a significantly greater bulk and scale.
5. I recognise that the position of the building would not exceed any nominal building line created along the west side of Beechway by the set back of the front elevations of neighbouring dwellings, and that it would also be sited adjacent to the larger two-storey detached property at No. 26. However, despite this, the overall scale and height of the proposal would not appear as a modest ancillary domestic outbuilding, but would be of an excessive scale given its function and would appear as a visually obtrusive and incongruous form of development within the street scene.
6. Whilst I have had regard to the appellant's contention that the different roof shape simply adds variance and interest to the street scene I disagree, with the

unusual roof design only serving to exacerbate the adverse visual impact of the building in this context, and being in stark contrast to the comparatively simple form and design of other ancillary structures observed in the vicinity.

7. I have also noted that the appellant has suggested that a more standardised design would only result in a terminal ridge height 300mm lower than that of the proposed design. Whereas that may be the case, an alternative scheme does not form a part of the proposals and I have not therefore attached any weight to this point.
8. I find that the proposed development would appear as an incongruous and visually obtrusive addition at odds with the prevailing design and form of development within the area.
9. Whilst I have noted the Council's reference to Policy CS02 of the Core Strategy 2012, the appeal site would appear to fall beyond the extent of the Bexleyheath geographic region and therefore this policy would not be of relevance in this instance. However, I am satisfied that the adverse effect on the character and appearance of the area would conflict with saved Policy ENV39 of the Unitary Development Plan 2004. This policy seeks to protect and enhance the quality of the built environment by ensuring that all new development is of a high standard of design and layout, is compatible with the surrounding area and would not adversely affect the street scene by reason of its scale, massing, and height, contrary to local character and appearance. There would also be conflict with paragraph 124 of the National Planning Policy Framework which sets out that good design is a key aspect of sustainable development.

Other Matters

10. The appellant has contended that a fall-back position benefitting from permitted development rights built up to 4 metres in height could be constructed, albeit in a slightly different location within the garden, which would have a worse impact on the character of the street scene. I acknowledge the reference made by the appellant to *Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314* and the need for the prospect of a fallback scheme built under permitted development rights to be "*likely and realistic*".
11. In this regard I have not been provided with any details of such an alternative scheme from which to make an informed assessment as to the comparative impact. However, on the basis of the terminal ridge height as described, it would appear that the alternative scheme would be 1 metre lower at the ridge than the appeal scheme, which in the context of the concerns expressed over scale and bulk may well be preferable. I note the expression of concern over the impact of a revised position of such a building within the garden, but whilst I have no reason to contest that such a scenario would not be likely or realistic, I am not persuaded that this alternative provides the necessary support for the appeal proposal in preference to the indicated fallback position.
12. The appellant has indicated that further storage options are limited within the existing property due to it being a chalet bungalow, and that the tapered nature of the site prevents ready extension. However, whilst I acknowledge the requirements of the appellant in this instance, I see no evidence to support the form of the proposal as being the only means of satisfying the need for further

storage. I therefore only attach very limited weight in support of the proposal to this matter, which would not be sufficient to outweigh the harm identified in the main issue.

13. I have noted the concerns which have been raised by neighbouring occupiers over the potential for the use of the proposed building to result in an adverse impact on living conditions through noise and disturbance and loss of privacy, as well as how the building might be used in the future. However, due to my conclusions on the main issue, none of these matters are determinative in this instance and I have not therefore assessed them any further.

Conclusion

14. For these reasons, the appeal is dismissed.

Martin Seaton

INSPECTOR