



Appeal Decision

Site visit made on 26 November 2020

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/D5120/W/20/3248193

Land adjacent to 71 Fairway Drive, London SE28 8QU

- 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 Bluegen Developments against the decision of the Council of the London Borough of Bexley.
 - The application Ref 19/01759/FUL, dated 12 July 2019, was refused by notice dated 11 September 2019.
 - The development proposed is the construction of a three storey house.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the impact of the proposed development on the living conditions of adjoining occupiers, with particular reference to outlook.

Reasons

Effect on living conditions

3. The proposed development would see the erection of a detached three storey house, located at the end of a terrace of predominately three storey houses. To the north west of the appeal site are 31 and 33 Redbourne Drive, which are a pair of two storey houses that have windows to principal rooms looking towards the site across the vehicular access to Redbourne Drive. The appeal site is vacant and boarded, having formerly been used for parking and with a refuse store.
 4. The outlook from Nos. 31 & 33 is towards the flank elevation of the three storey house of 71 Fairway Drive across a distance of approximately 16-17m. The submitted drawings show that the flank elevation of the proposed three storey house would reduce this distance to around 10m. I assessed this matter on my site visit and I concur with the Council's opinion that this would represent a close proximity to the front elevations of Nos. 31 & 33 that would be unduly overbearing and have an oppressive effect on their outlook.
 5. I acknowledge the side elevation to the proposed houses would be shorter than the existing side elevation to No. 71, and would be sited slightly further forward than the existing front building line of No. 71. However, a considerable
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reduction in distance between the buildings is proposed, with the new building being three storeys high. This would significantly outweigh any benefit arising from the shorter side elevation: the overall impression would remain that of an overbearing effect.

6. I further acknowledge that the appeal site was formerly occupied by a refuse store, around 10m from No. 31. However, the concern in this appeal is the harmful effect of the whole development as shown on the submitted drawings: namely, the height and length of the proposed elevation at ground, first and second floors, and the proposed boundary fence at ground floor. These elements all create a development that would be harmful to outlook due to its scale and proximity to Nos. 31 & 33 and, in my judgement, that harm is greater than would have existed with the previous refuse store and parking area on the site.
7. The appellant has drawn my attention to other buildings in the vicinity where properties look towards each other across vehicular access roads or gardens, and I viewed them at my site visit. However, in these examples the outlook from properties is towards two storey flank elevations, not three as is the case in this appeal, or they have a distance greater than in the scheme before me. The very limited comparison in the examples cited to me therefore do not change my opinion where, having judged the case on its own merits, I consider the proposal would be unduly overbearing.
8. On the main issue it is therefore concluded that the proposed development would have an adverse impact on the living conditions of adjoining occupiers. This would be contrary to Policies ENV39 and H7 of the London Borough of Bexley Unitary Development Plan (2004) which, amongst other matters, seeks to ensure residential development provides a reasonable degree of outlook for existing properties.

Other considerations and conclusion

9. The National Planning Policy Framework seeks to make more effective use of land for homes and other uses, and to significantly boost the supply of housing. These matters weigh in favour of the proposed development. I also recognise that the proposal would be broadly consistent with the general economic and social objectives of the Framework in supporting growth and providing homes.
10. However, I must balance these matters against other recognised planning objectives. The harm that I have identified with regard to the main issue, and the consequential conflict with the development plan is sufficient to outweigh those findings. That harm and conflict planning policies also outweighs the benefits of the scheme. Thus, the appeal is dismissed.

C J Leigh

INSPECTOR