



Appeal Decision

Site visit made on 17 November 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2021

Appeal Ref: APP/D5120/W/20/3256495

5 Lodge Lane, Bexley, Kent DA5 1DJ

- 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 J Bland against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/00236/FUL, dated 28 January 2020, was refused by notice dated 8 April 2020.
 - The development proposed was initially described as the erection of a two storey side and single storey front extension to provide one x1 bed dwelling with associated parking and amenity space, bin store and bicycle store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the host building and the surrounding area.
 - The living conditions of the occupiers of 7 Lodge Lane with particular regard to the effect on outlook and light.
 - The living conditions of future occupiers with particular regard to light, outlook and the size of the living space.

Reasons

Character and Appearance

3. Lodge Lane is a busy street which, in the area surrounding the appeal site, features a mixture of detached and semi-detached two storey dwellings and bungalows of varied scale and appearance. Whilst several buildings within the area are wide and fill a substantial portion of the width of their plots, the setback of the dwellings from the roads and the gaps between buildings creates a degree of spaciousness that contributes positively to the suburban residential character of the area. The main part of the existing semi-detached, two storey building at the appeal site runs parallel to the road with a hipped gable to the side and a two storey front projection with a gable end that is subservient in height to the main part of the building. The attached neighbouring dwelling is mostly similar to the dwelling at the appeal site but features an additional two storey projection to the side.
4. The proposed development would involve the erection of a two storey extension at the side of the building that would feature a gable end to the front that would be slightly set back from the existing front projection. The extension would be wider at the front than at the rear and would feature a roof that would be of comparable

height but steeper pitch than the roof of the existing front projection. In addition, a single storey extension would extend forward of the two storey extension. The proposed dwelling would be prominent within the street, particularly in views from the junction of Lodge Lane and Wellington Road as a result of the positioning and orientation of the neighbouring buildings.

5. The proposed roof form, the scale of the extension and the forward projection of the single storey extension would cause the proposed dwelling to integrate poorly with the host dwelling and appear as an ungainly addition to the side of the existing building. Whilst some buildings within the locality have been extended up to the side boundaries of the plots on which they sit, in this case the infilling of the gap between the existing building and the side boundary would erode the sense of space at the side of the plot, the visual effect of which would be heightened by the extension having a discordant appearance in the context of the existing dwelling. Furthermore, the abovementioned features of the proposed dwelling would cause it to be inharmonious with the pattern and appearance of the other built form within the vicinity of the site. Consequently, the development would not be compatible with the character of the surrounding area and would not add to the overall quality of the area as is required by the National Planning Policy Framework (The Framework).
6. The setback of the first floor of the extension, the roof being lower in height than the main part of the building and the replication of the window design of the existing building would enable the extension to be subservient to the host dwelling and reflective of its appearance in some respects. However, these features of the proposal would not compensate for the extension having an incongruous and discordant appearance that would be poorly related to the existing building and detract from the character and appearance of the locality. Moreover, whilst I recognise that the appellant has proposed the provision of a porch at the front of the dwelling to improve security, this does not alter my assessment of the visual effect of the development overall, including the remainder of the front projection which is not needed to provide a porch.
7. For these reasons, the development would have an unacceptable effect on the character and appearance of the host building and the surrounding area. The proposal would, therefore, fail to accord with Policy CS01 of the Bexley Core Strategy (The BCS)(adopted 2012) and Policies ENV39 and H3 of the Bexley Council Unitary Development Plan (The UDP)(adopted 2004) which, together, require that development maintains and improves the suburban character of Bexley, ensures that buildings enhance and be compatible with the character of the surrounding locality and are of a high standard of design and layout.

Living Conditions of Occupiers of 7 Lodge Lane

8. The proposed development would extend the existing building close to the side boundary of the site and bring the built form at the site within much closer proximity to the dwelling of 7 Lodge Lane. A single storey projection at that side of that dwelling is also close to the shared boundary and, whilst the use of the accommodation within that projection has not been clarified by either main party, it features a window to the side elevation and a door to the rear. The orientation of that neighbouring dwelling results in its rear elevation facing slightly towards the shared boundary with the appeal site. The closest section of the two storey part of that dwelling features a pair of glazed doors that face the appeal site which, on visiting the site, appear to serve a habitable room which is served by an additional window at the front elevation.

9. As a result of the orientation of the rear elevation of the neighbouring dwelling, the proposed two storey extension would have a dominating effect on the outlook from within the room served by the pair of glazed doors. Whilst the position of the extension relative to the neighbouring property and the path of the sun indicates that the effect on sunlight within the adjacent property would be limited, the extension would also be likely to cause a small loss of daylight within that room. Although my site visit indicates that the room served by the glazed doors has a further window to the front, this would not prevent the development causing harm to the light and outlook within that room that would detract from the living conditions of the occupiers of that dwelling.
10. Given that the use of the accommodation within the single storey side projection has not been clarified it is not possible to be certain as to whether the effect of the development on the window and door serving that accommodation would be acceptable. However, even if I were to proceed on the basis that this is non-habitable accommodation and the effect of the development would be acceptable in that respect, it would not alter my overall assessment of the effect of the development on the occupiers of the neighbouring dwelling.
11. Whilst the appellant has identified that planning permission¹ was granted at 7 Lodge Lane to enable the extension and conversion of that dwelling into 5 flats, no other details of that development have been provided and I have no basis to be certain that the development has or would be undertaken. Consequently, I can only determine the appeal on the basis of the current conditions at the site.
12. For these reasons, the development would have an unacceptable effect on the living conditions of the occupiers of 7 Lodge Lane with particular regard to the effect on outlook and light. The proposal would, therefore, fail to accord with Policy ENV39 of The UDP which requires that development does not prejudice the environment of the occupiers of an adjacent property. The proposal would also fail to accord with The Framework in this respect which requires that development creates places with a high standard of amenity for existing users.
13. Whilst the Council also identifies that the proposal conflicts with Policy CS01 of The BCS, that policy does not specifically address the living conditions of residents in terms of light and outlook and, as such, is not determinative in my assessment of the effect of the proposal in this respect.

Living Conditions of Future Occupiers

14. The description of the development, the planning application form and the submitted plans all indicate that the proposed dwelling would have one bedroom. Therefore, whilst the proposed 7.5 square metre study room would be positioned in a manner that would be akin to a bedroom and be of sufficient size to accord with the minimum standard for a single bedroom sizes that is set out within the Technical Housing Standards - Nationally Described Space Standard (2015) (The THS), it is reasonable to determine the appeal on the basis that the development would occur and be used as set out within the appellant's submissions. Therefore, whilst the future use of the rooms would be difficult to control, I have no basis to be certain that they would not be used as labelled. As a result, the overall floorspace of the dwellings would be of sufficient size to accord with the requirements of The THS.
15. The mostly open-plan ground floor of the proposed dwelling would be served by windows to the front, side and rear and, as such, would receive sufficient light to

¹ 19/01628/FUL

provide adequate living conditions for future occupiers in that respect. Moreover, whilst the proximity of the boundaries of the site to the side and rear windows could cause the boundary treatments to enclose the outlook from within the dwelling, an outlook would be retained to the front and the rear garden would not be so short in length that the outlook to the rear would be limited to an oppressive extent.

16. For these reasons, the development would have an acceptable effect on the living conditions of future occupiers with particular regard to light, outlook and the size of the living space. The proposal would, therefore, accord with Policy 3.5 of The London Plan 2016 which requires that development is of the highest quality internally, has adequately size homes and represents a place of retreat that is fit for purpose.

Other Matter

17. Whilst the appellant has identified that planning permission was granted for a similar development at Lime Grove, Sidcup, I have no evidence before me that the proposals and their contexts are comparable. Moreover, as the adequacy of the garden space provision has not been contested by the Council, I do not find that the garden being larger than was approved at that other site is a determinative factor in my assessment of this proposal.

Planning Balance and Conclusion

18. The proposal would represent a boost to housing supply and I afford substantial weight to that benefit of the development. Moreover, the construction and occupation of the proposed dwelling would bring about some social and economic benefits, including employment during the construction period. Furthermore, the appellant has indicated that the development would be undertaken including features to conserve resources and energy. In each of these respects, the proposal would accord with The Framework. However, as the proposal relates to the provision of a single dwelling, the benefits arising in these respects would be limited. Furthermore, whilst the appellant has identified that the Covid-19 pandemic may have implications for the supply of housing within London, the evidence before me is not conclusive in that respect.
19. Consequently, although I have found the proposal acceptable in some respects and acknowledge that the proposal would bring about some benefits, those aspects of the proposal would not outweigh the harm that would be caused in relation to the effect of the development on the character and appearance of the existing building and the surrounding area and the living conditions of the occupiers of 7 Lodge Lane. For those reasons, the proposal would not accord with The Framework when taken as a whole and other considerations, including The Framework, do not outweigh the conflict with the development plan identified above. Therefore, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR