



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: 05 January 2021

Appeal Ref: APP/D5120/W/20/3258004

43 Barnehurst Avenue, Erith, Kent DA8 3NF

- 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 J Divall against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/00928/FUL, dated 21 April 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the demolition of existing side extension and construction of a 3 bedroom dwelling with associated amenity space, associated parking and provision of both bin and bicycle store.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description above has been taken from the application form. Whilst the Council have used an alternative description in their decision notice, the appellant has identified that this has not been agreed and I recognise that the abovementioned description is a more accurate reflection of the development shown on the submitted plans. However, on visiting the site it was also apparent that the side extension referred to in the above description has already been removed.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the site and the surrounding area.

Reasons

4. Barnehurst Avenue is a street of residential character that features a variety of two storey semi-detached and terraced dwellings, many of which feature two storey gabled projections to the front and roofs with low eaves and dormers. Exceptions to this include the detached dwellings at 24 and 24A Barnehurst Avenue which the submissions of the appellant identify were built more recently.
5. The dwelling at the appeal site sits at the end of a terrace of 4 dwellings that includes the abovementioned features that are characteristic of the area and appears to have been built with a symmetrical appearance. The building is positioned at an angle relative to the direction of Barnehurst Road, with the dwelling at the appeal site being closest to the road. The terrace and the adjacent similar terrace appear to have been the subject of extensions, including single and two storey extensions at the appeal site, but their consistent original form is still able to be appreciated.

6. The proposal would involve the erection of a two storey dwelling with two storey projections to the front and side and full gables rather than hipped gables which are a feature of the existing dwelling and the built form of the area. Although the inclusion of a gable feature to the front shows some regard to the form and appearance of the other buildings of the surrounding area and the building would be of similar height to the adjacent terrace, the proposed dwelling would show little regard to the form or appearance of the adjacent terrace or any other dwelling within the surrounding area. As such, the dwelling would have an appearance that would be incongruous in the context of the surrounding area and would, therefore, not be sympathetic to local character or add to the overall quality of the area as is required by the National Planning Policy Framework (The Framework).
7. The prominent positioning of the dwelling between the existing dwelling at the appeal site and the road would exaggerate the visual effect of the proposal and the manner that it would contrast with the surrounding built form. Furthermore, due to the narrowness of the plot, the proposed dwelling would have a contrived appearance that would not sit comfortably within its context and be in such close proximity to the footpath at the side of the dwelling that it would have an imposing impact on the street. This would also cause the development to appear contrived in the context of the surrounding area and heighten the effect of the harm that would arise from the dwelling having a discordant appearance in relation to its surroundings. Whilst the appellant has suggested that the stepped design would reduce the bulk of the building and mitigate its prominence, this would add to the contrived form of the dwelling that would undermine any benefits arising from the reduction of the bulk of the building.
8. The two comparatively recent dwellings that have been referred to above are both of substantially different design to the proposed development and the dwelling at 24 Barnehurst Avenue is less prominent within the street due to its positioning. The design and proportions of that dwelling also enable it to sit more harmoniously within the street scene than the proposed dwelling would.
9. Although the dwelling at 24A Barnehurst Avenue is prominent within the street and is of a design that is markedly different to most other dwellings within the vicinity of the site, it sits on a plot of wholly different proportions to the appeal site, is positioned away from the boundary that is shared with Barnehurst Road and features a roof that rakes away from the road. Conversely, the proposed dwelling would have a much more imposing effect on the public domain as a result of the close proximity of the dwelling to the boundary and the inclusion of full gables at that side elevation. Therefore, even if I proceed on the basis that the existing site makes a comparably small contribution to the openness of the character of the area as that site is likely to have made prior to the erection of a dwelling on it, this does not lead me to conclude that the effect of the proposed development on the character and appearance of the area would be comparable.
10. Accordingly, even though I recognise that those dwellings and the appeal decision¹ demonstrate that there is scope to erect additional dwellings in some circumstances and that such dwellings need not replicate the existing built form of the area entirely, those developments do not alter my assessment of the effect of this proposal.
11. Moreover, whilst limited details have been provided of the planning history of 102 Appledore Avenue and an extension at that property which has been brought to my attention, the built form at that site is of different appearance, scale and form to the development that is the subject of this appeal and sufficiently far from the

¹ APP/D5120/A/04/1167397

appeal site to not be viewed in the same context. As such, whilst I recognise that the built form at that site comes close to the adjacent road, it does not alter my assessment of the effect of the proposed development.

12. For the reasons given above, the development would have an unacceptable effect on the character and appearance of the site and the surrounding area. The proposal would, therefore, be contrary to Policy CS01 of the Bexley Core Strategy 2012 which states that development should maintain and improve the best elements of Bexley's suburban character and enhance the character of the surrounding locality. The proposal would also be contrary to Policies ENV39 and H8 of the Bexley Unitary Development Plan 2004 which, together, require that development is of a high standard of design and layout that is compatible with and has no adverse effect on the character of the surrounding area. The development would also fail to accord with Policies 7.4 and 7.6 of the London Plan 2016 which require that development provides a high quality design that has regard to the pattern and grain of existing spaces and streets and comprises details that complement the local architectural character.
13. The proposal would also be contrary to The Framework which seeks the creation of high quality buildings and places, and requires development to add to the overall quality of the area, be visually attractive and be sympathetic to local character.

Other Matters

14. The appellant has highlighted that the proposed dwelling would meet their future needs by including a lift. I recognise that improving the housing stock in this way is a benefit of the proposal and that the appellant has identified that Policy GG1 of the emerging Intend to Publish version of The London Plan 2019 (The ELP) supports development that takes account of the needs of all Londoners. Moreover, although I have minimal details of the future needs of the appellant before me, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. However, having given the matter careful consideration, these factors do not outweigh the considerable harm and unacceptable impact on the character and appearance of the area that would be caused by the proposal in respect of my aforementioned conclusion on the main issue.
15. The proposal would represent a boost to the supply of homes which is supported by The Framework. In this regard, I recognise the minimum target set out within the London Plan and the potential for The ELP to increase that target. However, as the proposal relates to the provision of a single dwelling, the benefits arising in this respect would be limited and would not outweigh the harm that has been identified above.

Conclusion

16. Whilst the proposal would bring about some benefits as identified above, those aspects of the proposal would not outweigh the harm caused in relation to the character and appearance of the site and the surrounding area. Consequently, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR