



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/20/3255903

Land to the rear of 45 Sandhurst Road, Bexley, Kent DA5 1DD

- 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 Greenwood Property Maintenance Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/00116/FUL, dated 6 January 2020, was refused by notice dated 6 March 2020.
 - The development proposed was initially described as a single detached dwelling.
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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 surrounding area.
 - The effect of the development on the living conditions of future occupiers with particular regard to outlook, privacy and access.
 - Whether the development would be acceptable in terms of flood risk and drainage.
 - The effect of the development on the living conditions of the occupiers of 45 Sandhurst Road and 1 Brasted Close with particular regard to outlook, light and privacy.

Reasons

Character and Appearance

3. The appeal site is located within a residential area which features dwellings of varied scale and appearance, albeit most are positioned in a linear arrangement that is reflective of the alignment of the roads within the area. Most dwellings sit on substantial plots and are set back a sufficient distance to enable gardens and parking to be provided forward of the dwellings and substantial gardens to the rear. The appeal site consists of a section of land that the appellant identifies has been partitioned off from the garden of 45 Sandhurst Road. The site hosts several small buildings and is enclosed by fencing at all boundaries, with a line of conifers at the boundary that is shared with the rear garden of 1 Brasted Close and a small area of fenced off land that sits between the site and an electricity substation.
4. The proposed dwelling would be separated from all other dwellings in the surrounding area. A detached dwelling is located a short distance from the appeal

site and, therefore, the dwelling being detached does not, in itself, render the proposal out-of-keeping with its surroundings. However, the positioning of the dwelling away from all others would cause it to appear as a solitary dwelling rather than within a group and, as such, the proposal would not reflect the established pattern of development within the vicinity of the site. The positioning of the dwelling opposite the junction with Pengarth Road would also cause the dwelling to be prominent in views along that road and this would exaggerate the visual effect of the dwelling being separated from all others.

5. The dwelling having a plot that is substantially smaller than most other surrounding plots and the private garden space being to the side rather than the rear would also cause the development to be unreflective of the pattern of development within the locality. Moreover, the dwelling would have a shorter front garden than most properties within the vicinity of the site and whilst this would not cause the dwelling to be more imposing within the street than the side elevations of the neighbouring dwellings, the small garden would exaggerate the effect of the dwelling sitting on a small plot.
6. Whilst the dwelling would not be an exact replica of any other building within the locality, it includes sufficient design features that are comparable to other nearby dwellings to not have a discordant appearance in the context of the varied scale and design of the surrounding buildings. However, those acceptable features of the proposal would not compensate for the effect of the layout of the development.
7. For the reasons given above, the development would have an unacceptable effect on the character and appearance of the surrounding area. The proposal would, therefore, conflict with Policies ENV39, H3 and H8 of the Bexley Council Unitary Development Plan 2004 (The UDP) 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 area. The proposal would also conflict with Policy CS01 of The Bexley Core Strategy (The BCS), adopted 2012, which requires that development maintains and improves the suburban character of Bexley and enhances the character of the surrounding locality. The proposal would also be contrary to Policy 7.4 of the London Plan 2016 (The LP) which requires that development provides a high quality design that has regard to the pattern and grain of the existing spaces and streets.
8. The proposal would also fail to accord with the requirement of the National Planning Policy Framework (The Framework) for development to be sympathetic to local character and add to the overall quality of the area.
9. As Policy H11 of The UDP relates to the conversion of residential buildings I do not find it determinative in this case. Moreover, whilst I find that the architecture of the proposed dwelling would accord with the relevant parts of Policy 7.6 of The LP, this does not alter my assessment of the proposal in relation to the other policies set out above.

Living Conditions of Future Occupiers of the Proposed Dwelling

10. The proposed dwelling would feature an open-plan living room, dining room and kitchen area at ground floor with windows to the front, rear and side elevation. However, as the window on the rear elevation would be close to the boundary that would be shared with the neighbouring property of 43 Sandhurst Road and the front elevation would face the public domain, it is likely that future residents of the ground floor would be most reliant on the openings at the side elevation. Those openings would face the garden serving the proposed dwelling, the boundary fence

and the rear elevation of the existing dwelling of 45 Sandhurst Road which is positioned at a raised ground level relative to the appeal site.

11. As a result of the elevation of the neighbouring dwelling, occupiers of that dwelling would have views over the boundary fence and, as such, the garden area and internal living space of the proposed dwelling would be substantially overlooked. Given the changing ground levels, the separation distance between the rear of the neighbouring dwelling and the proposed dwelling would not be sufficient to compensate for the lack of privacy that would be caused. Consequently, the living conditions of future occupiers would be inadequate in terms of privacy.
12. Although the small distance between the window on the rear elevation of the dwelling and the adjacent boundary treatments would limit the outlook from that window and the light received through it, sufficient light and outlook would be obtained within the dwelling from the other ground floor windows to provide a good standard of accommodation in that respect. Furthermore, adequate defensible space would also be provided forward of the dwelling. Moreover, whilst the Council's reason for refusal cites that the occupiers of the dwelling would be served by inadequate access arrangements, the reasoning for this has not been substantiated and I have no basis to conclude that the access to the dwelling would not be adequate or contrary to Policy CS15 of The BCS which relates to transport. Being acceptable in these respects does not however lead me to find that the living conditions would be acceptable overall.
13. For the reasons given above, the development would have an unacceptable effect on the living conditions of future occupiers with particular regard to privacy. The proposal would, therefore, be contrary to Policies H6, H7 and H8 of The UDP which, together, require that proposed dwellings are adequately separated from other dwellings in terms of their amenities, privacy and garden space and that residential development provides adequate usable on-site amenity space and a reasonable degree of privacy for space within and outside dwellings. The proposal would also fail to accord with the part of the Council's Design for Living Supplementary Planning Document (The SPD), adopted 2006, which states that care needs to be taken to ensure that private internal and external areas are not overlooked.
14. The proposal would also be contrary to Policies 3.5 and 7.6 of The LP which require that developments provide high quality indoor and outdoor spaces and that part of the Mayor of London's Housing Supplementary Planning Guidance (The SPG) which requires it to be demonstrated that habitable rooms will be provided with an adequate level of privacy. Moreover, the proposal would be contrary to the part of The Framework which requires that developments create places with a high standard of amenity for future users.
15. Whilst the Council have cited Policy ENV39 of The UDP, Policies CS01 and CS15 of The BCS and Policy 6.9 of The LP within their reason for the refusal of the application, they do not address the living conditions of the occupiers of dwellings. Similarly, as Policy H11 of The UDP and the Council's Design and Development Control Guideline 3 relates to residential conversions, I do not find them to be determinative in this case.

Flood Risk and Drainage

16. The appellant has not contested the Council's claim that the site is within a 'vulnerable drainage area' and I have no evidence before me that demonstrates that this is not the case. However, there is insufficient information before me in relation to this designation or any requirements associated with it. As such, I cannot reasonably conclude whether or not the proposal would be acceptable in

relation to drainage or whether the matter could be addressed through the imposition of a condition. Consequently, it is not possible for me to be satisfied that the proposal would accord with Policies CS01 and CS08 of The BCS which require development to adapt to and mitigate the effects of climate change. Given that I have identified significant harm in relation to the preceding main issues, there is no need for me to address this matter further in this instance.

Living Conditions of the Occupiers of Existing Dwellings

17. A garden would be provided between the proposed dwelling and the boundary of the plot that would be shared with the rear garden serving 45 Sandhurst Road. No upper floor windows within the proposed dwelling would face that existing dwelling and the proposed dwelling would be set at a lower ground level. Consequently, the development would not have an overbearing impact on the outlook from within that dwelling or its garden or cause a loss of privacy that would unacceptably harm the living conditions of the occupiers of that dwelling.
18. Although a single storey garage would abut the boundary that would be shared with 1 Brasted Close, the main part of the dwelling would be set away from the shared boundary and would also be at a lower ground level. Due to the distance between the existing and proposed dwelling, even if the conifers adjacent to the shared boundary are excluded from my consideration on the basis that their long-term retention cannot be guaranteed, the distance between the proposed dwelling and the neighbouring dwelling would be sufficient to ensure that the effect on the outlook of the occupiers of that dwelling would not be unduly harmful. Furthermore, no upper floor windows are proposed to face that dwelling. For these reasons, whilst the dwelling would be visible from that neighbouring dwelling, it would not cause an unacceptable loss of outlook, light or privacy.
19. In relation to the effect on the occupiers of other dwellings within the vicinity of the site, the proposed dwelling would be close to the boundary with 43 Sandhurst Road, have a window facing the rearmost parts of the gardens of the adjacent dwellings and be visible from several properties. However, the submitted plans show that the abovementioned window would be fixed shut and fitted with obscured glazing and the separation distance from all other dwellings would be sufficient to ensure that the effect on the outlook from within those dwellings and gardens is not unacceptably harmful and the development would not cause an unacceptable loss of privacy or light. I recognise that the Council's reason for refusal did not raise any concerns in respect of the effect on the living conditions of the occupiers of any other neighbouring dwellings.
20. For the reasons given above, the development would have an acceptable effect on the living conditions of the occupiers of 45 Sandhurst Road and 1 Brasted Close with particular regard to the effect on outlook, light and privacy. The proposal would, therefore, accord with Policy H8 of The UDP insofar as it relates to the living conditions of neighbouring residents. The proposal would also accord with the part of Policy 7.6 of the LP which requires that development does not cause unacceptable harm to the amenity of surrounding land and buildings. The proposal would also accord with the similar requirements set out within The SPD and the Mayor of London's Housing Supplementary Planning Guidance (2016).
21. As Policy ENV39 of The UDP does not relate to the living conditions of neighbouring residents, I do not find it to be determinative in respect of this matter.

Planning Balance and Conclusion

22. The proposal would represent a boost to housing supply and the effective use of land. Moreover, the proposed dwelling would be likely to bring about some social

and economic benefits. Although I afford substantial weight to those benefits of the development, they would be modest as a result of the proposal relating to the provision of a single dwelling. Furthermore, although the details provided are limited, I recognise that the proposal would be acceptable in terms of the dwelling being built to conserve resources and that an electric car charging point would be provided.

23. However, whilst the proposal would be acceptable in some respects and bring about minor benefits in others, these factors do not outweigh the harm that would be caused to the character and appearance of the site and the surrounding area and the living conditions of the future occupiers. As such, the proposal does not accord with The Framework, when taken as a whole. Moreover, for the reasons set out above, the development would conflict with the development plan and other considerations do not lead me to a different conclusion. Consequently, the appeal is dismissed.

Ian Harrison

INSPECTOR