The Planning Inspectorate

Appeal Decision

Site visit made on 15 December 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/D5120/W/20/3257424
3-6 Pembroke Parade, Pembroke Road, Erith, Bexley DA8 1DB

- 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 Mrs B Shergil against the decision of The London Borough of Bexley Council.
- The application Ref 17/02533/FUL, dated 11 July 2017, was refused by notice dated 6 March 2020
- The development proposed is redevelopment to provide five self contained apartments over a shop on the Ground floor comprising of 3 x 2bedroom & 2 x 1bedroom residential units with associated parking, refuse and cycle storage.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Additional plans have been submitted with the appeal that have not been subject to formal consultation. Therefore they have not been considered as part of my assessment.

Main Issues

3. The main issues are:

   - The effect of the development on the character and appearance of the area;
   - The effect on the living conditions of neighbouring occupiers with regards to outlook, privacy and day light levels; and
   - Whether or not the proposal would lead to surface water flooding.

Reasons

Character and appearance

4. The appeal site is vacant land located on the corner with Fraser Road and Woolwich Road and closely associated with the shops of Pembroke Parade. Opposite is the former Nordenfelt public house. It is a locally listed building and is a striking and both grand and unusual red brick building with bands of stone featuring a rounded centre with elaborate gable flanked by turrets. Although it is now converted to residential flats, it remains a local landmark and retains significant original features.

5. The proposal would create a development of significant height, bulk and mass in this prominent corner location that would be viewed from all directions. Despite the fact there may be contrasting heights of buildings in the immediate locality, its prominence would be further emphasised due to the significant variation between its substantial height and the low-level nature of the adjacent retail units along Pembroke Parade. Its proposed scale would dwarf these shops and would create an over-bearing development, together with the largely unrelieved gable end brick wall further emphasizing its dominant and inharmonious appearance.

6. There would be a lack of symmetry to the building which would fail to reflect the immediate surrounding vernacular. Together with the projecting balcony features that would be an uncharacteristic addition within the street scene, the imbalanced nature that would arise, combined with its overall discordant appearance, would not make a positive contribution to the locality.

7. The proposed scale and proportions of the shopfront with stall risers and incompatible location of the fascia above, would distinctly differ from the adjacent retail units with their unifying parapet walls and full height glazed shop front windows. It would further serve to reinforce its lack of integration into the environment.

8. The proposed development would be set forward of the return shops at Alford Road. The gable end would be particularly exposed within the street scene with limited articulation to break up its large-scale massing. It would appear unduly pronounced in its context and out of character on this corner.

9. The Nordenfelt building contributes significantly to the street scene. This is due to its interesting design, scale and position close to the back of the pavement and location at the road junction commanding attention. The proposal would be designed to follow the curve of the corner on the opposite side of the road. Given its siting and substantial scale and design, it would be viewed in close relationship with the Nordenfelt, detracting from its significance, thus resulting in harm arising to this non-designated heritage asset.

10. Whilst the area may have lain vacant for some time and the appearance of the timber enclosure and overgrown condition of the site does little to enhance the appearance of the area, nonetheless, I see no reason why the condition or appearance could not be addressed in the absence of the appeal scheme or via an alternative scheme.

11. Therefore, to conclude, its poor integration with the street scene would lead to harm arising to the character and appearance of the area and to the non-designated heritage asset. This would be in direct conflict with the London Plan 2016 policies 3.5, 7.4 and 7.6 in their combined aims for development to be of high quality and in character with the area. It would not accord with the Bexley Unitary Development Plan 2004 (UDP) Policy ENV39 and H3 to protect the built environment and be compatible with the character or appearance of the area. It would also conflict with Policies CS01 and CS04 of the Bexley Core Strategy 2012 (CS) in their broad aims for development to enhance the quality and character of the area. Finally, it would not represent well-designed places in accordance with the National Planning Policy Framework.

Living conditions

12. The proposal would be located within close quarters of the sole first floor habitable room window serving the living room and a single window to the kitchen at 1A Alford Road. This kitchen is a fairly generous size and taking into account the limitations of the first floor flat, the outlook from this window is a material consideration.

13. Works may be proposed to rearrange the internal layout of this flat. However, whilst a Building Control letter has been submitted with the appeal, there is no evidence presented by the appellant that works have been implemented. Therefore, due to the close relationship between the two sites, its proposed height, scale and mass of the building, the outlook from both these windows would be harmfully compromised by the proposed development.

14. With regards to loss of light, both windows face approximately north west. The level of day light into these internal spaces would be limited and I consider the proposal would have no considerable bearing on the amount of light these windows would experience.

15. In respect of any loss of privacy that may result from overlooking arising from bathroom windows of the proposal, were I minded to allow the development, obscurely glazed non-opening windows could be conditioned.

16. To conclude, I have found harm would arise to the living conditions of the occupiers of the adjacent flat in respect of outlook only. Therefore, to this end it would conflict with the Bexley UDP Policy ENV39 that aims for development not to prejudice the environment of adjacent occupiers and the Supplementary Planning Document Design for Living. I find no direct conflict with CS policies CS01 and CS04 as these are strategic policies and do not specifically relate to protecting living conditions. Neither would it conflict with the London Plan 2016 Policy 3.5 for the same reason. However, it would conflict with London Plan Policy 7.6 that seeks for development not to cause unacceptable harm to residential amenity.

Flood risk

17. Pembroke Road is known to be subject to surface water flooding and is confirmed by the Council's drainage team to be one of the most badly affected areas in the Borough. The plan referred to by the appellant does not relate to surface water management. There is no evidence to demonstrate that the proposal would not result in surface water flooding away from the site. Nor do I have details to demonstrate that the development itself has been designed to be flood resilient. In such circumstances, I am not satisfied that imposition of a condition would provide sufficient confidence that measures could be employed to adequately mitigate flood risk.

18. To conclude, it has not been adequately demonstrated that the appeal scheme would provide appropriate mitigation of the risk of flooding from surface water. Therefore the proposal fails to comply with the London Plan 2016 policies 5.12 and 5.13 that aims to manage flood risk together with CS policies CS01, CS04, CS08, CS09 in their collective aims to manage and mitigate flood risk and support the use of sustainable urban drainage.

Other Matters

19. I am aware of the petition in support of the development. However, the harm I have identified does not lead me to a favourable decision.

20. The land may be a brownfield site and the contribution of additional homes in the Borough is recognised, albeit it would be very limited. The sizes of each unit may also be policy compliant with acceptable levels of outlook for occupiers. Nevertheless, these matters do not outweigh the harm I have identified.

21. Concern regarding anti-social behaviour at the site has been raised however no precise details have been forthcoming for me to take into account.

Conclusion

22. I have found harm would arise to the character and appearance of the area as well as to the non-designated heritage asset and to the living conditions of local residents in so far as outlook is concerned. In the absence of appropriate surface water management to support the proposal, it must also fail in this respect.

23. The appeal is therefore dismissed.

Alison Scott

INSPECTOR