



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 February 2021

Appeal Ref: APP/D5120/W/20/3245212 53 The Oval, Sidcup DA15 9ER

- 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 Manickam Thiagarajan against the decision of the London Borough of Bexley Council.
 - The application Ref 19/01275/FUL, dated 28 May 2019, was refused by notice dated 1 August 2019.
 - The development proposed is Infill rear extension to First and Second Floor with partial demolition to existing roof with new roof elements to accommodate an additional 1 Bed 2 Person flat within the Second Floor roof space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Upon visiting the site, it was apparent that the appeal plans do not accurately represent the site on the ground. A large enclosure is located at the back of the ground floor retail premises that resembles a cold storage facility with plant equipment.
3. As the site is located within the Oval Conservation Area (CA), in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I must have special regard to the desirability of preserving or enhancing the character or appearance of the CA. Although not a matter in dispute between the parties, this is therefore a main issue within the decision letter. During the course of the appeal, the Appellant and Council were asked for further comments regarding this matter.
4. Comments from both parties have also been sought in relation to the most up to date Housing Delivery Test results.

Main Issues

5. The main issues are:
 - Whether or not the proposal would preserve or enhance the character or appearance of the Oval CA; and
 - The effect of the development on the living conditions of future occupiers with regards to outlook and ventilation.

Reasons

Character and appearance

6. The Oval Conservation Area Appraisal and Management Plan (the CAAMP) states that the special architectural or historic interest derives from, among other things, the unusual oval street pattern with open landscaped area, in an otherwise uniform suburban street pattern, the good example of 1930s architecture in an "Arts and Crafts" style and local architectural detailing and features which give the buildings a distinctive style and identity, such as the herringbone brickwork on upper floors, the uniform roof line and the white render and timber finish.
7. In relation to the front elevations of the appeal terrace, the CAAMP comments that "The roofline of the curved terrace is of uniform brown tiles, punctuated by pairs of gables decorated with white render and black timber. The chimney stacks are alternate plain and decorated. The roofscape in general offers a regular movement over the buildings and forms an impressive relationship to the skyline." By contrast, the CAAMP states the back elevations of the appeal terrace "are typified by a range of plant equipment erupting from the shops at first floor level. This creates a major visual inconsistency to the rhythm of the front elevations."
8. The appeal site encompasses a larger end unit and curves around the corner with Burnt Oak Lane. Its scale and mass is prominent from this vantage.
9. The proposal presents a number of roof changes. The proposed rear infill would form a new complete gable end roof formation and would create improved symmetry to the appeal property.
10. The attic space would be opened up by removing the back of the pitched roof. A double gable with interconnecting flat roof would be created by extending the attic floorplate over the first floor space below, including the existing flat roofed projecting element. It would create a new roof to tie into the original roof that would extend considerably forward of the existing rear sloping roof.
11. This would add significant mass and bulk to the roof slope and its proposed formation would substantially alter the original character of the rear elevation of the appeal property. As a consequence, it would appear very discordant and this would be particularly obvious as, this rear roof slope retains much of its original character. Consequently, the proposal would further exacerbate the existing visual inconsistency created by lower level flues and plant equipment referred to in the CAAMP.
12. Whilst I note that the proposal would not be seen from the front or side of the building, it would be highly visible from Burnt Oak Lane and from the rear of the Oval. It would result in a visually obtrusive and dominant feature that would harm the character and appearance of the building and the character and appearance of the CA.
13. Therefore to conclude on this main issue, the proposal by virtue of the proposed attic roof design would result in harm to the CA and would be in conflict with the requirements of Policies ENV39, H3 of the UDP, and the Core Strategy (CS) Policy CS06 in their combined aims for development to be in character with the area and to protect and enhance the quality of the built environment and to protect and enhance the CA.

14. As set out in the National Planning Policy Framework (the Framework), when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of significance of, a designated heritage asset requires clear and convincing justification.
15. In the words of the Framework, I have found that the appeal scheme would lead to less than substantial harm to the significance of the designated heritage asset. In accordance with Framework paragraph 196 this harm should be weighed against the public benefits of the proposal. The public benefits of the creation of an additional home with reasonably generous internal space, and its location close to local amenities and services does count in its favour. However, these benefits would be limited given the scheme would provide only one, 1no bed flat.
16. All things considered, its benefits would not outweigh the harm to the CA that I have identified.

Living conditions

17. Due to the infill proposed to the rear elevation, the bedroom of the second floor flat would be supported by a single vertical window positioned below the apex of the roof together with a centrally located roof light. The outlook from the vertical window would be over the flat roof of the ground floor retail unit and towards the gable end of the flats at the Triangle, a reasonable distance away.
18. I could see little difference between the outlook this window would experience to that of other existing bedroom windows within The Oval. Furthermore, ventilation by way of the proposed openings would be afforded to this room to satisfactorily provide acceptable living conditions for future occupiers.
19. The proposed living room, kitchen and dining space would be formed as one combined space. Approximately six roof lights would provide adequate ventilation into this space. However, as it would be a habitable room, a reasonable level of outlook for occupiers would be required, conducive to acceptable living conditions.
20. It is the two roof lights within the rear roof slope that would have the potential to provide outlook for future occupiers. A proposed sight lines cross section has been provided by the appellant to demonstrate the outlook that would be experienced from a person's sitting position.
21. The location of these roof lights at a lower level together with their length in this sloping roof would allow views over the ground floor extension towards the surrounding urban environment. Views out of the flat would provide a sense of the site's surroundings with a feeling of the property's context. On this basis, it would not lead to unacceptable living conditions for future occupiers.
22. To conclude, I have found no harm would arise to living conditions due to ventilation levels and outlook for future occupiers. It would therefore not conflict with the Mayor of London Plan Housing Supplementary Planning Guidance that aims to achieve acceptable housing standards. Furthermore, it would accord with the Bexley Unitary Development Plan 2004 (UDP) Policy H7 together with the Design for Living Supplementary Planning Guidance in their combined objectives for residential development to provide a reasonable outlook.

Planning Balance and Conclusion

23. The most recently published Housing Delivery Test results indicates there has been a change to the status of the local authority which has occurred as the number of houses delivered in the previous three years was below 85% of the housing requirement over the previous three years, and has led to the consequence of a buffer to be applied.
24. However, the Council has confirmed they have an excess of five-year supply of housing and a buffer. In such circumstances, the provisions of footnote 7 of the Framework would not be engaged. In any event, the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed. Thus, it does not benefit from the presumption in favour of sustainable development.
25. Bringing all matters together, I have concluded that the living conditions of future occupiers would be acceptable in so far as outlook and ventilation are concerned. There would be some modest benefits of the scheme which I afford limited weight. However, harm would arise to the special interest of the designated heritage asset. I afford this matter great weight. The proposal would conflict with the development plan as a whole and there are no material considerations, including the provision of the Framework, which indicate that the decision should be taken otherwise than in accordance with it.
26. The appeal is therefore dismissed.

Alison Scott

INSPECTOR