The Planning Inspectorate

Appeal Decision

Site visit made on 16 April 2021

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021.

Appeal Ref: APP/D5120/W/20/3259310
14 Falconwood Parade, Welling, Kent DA16 2PL

- 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 Cam against the decision of the Council of the London Borough of Bexley.
- The application Ref 19/02392, dated 3 March 2020, was refused by notice dated 15 June 2020.
- The development proposed is described on the application form as "single-storey rear extension and reposition of rear external staircase and flue duct ventilation pipe and change of use from A1 to A3 including new shopfront alterations".

Decision

The appeal is dismissed.

Background and Main Issues

1. The proposal would include the change of the use of the ground floor of the appeal property from a shop to a café. At the time the planning application was determined the existing and proposed uses fell within Use Classes A1 and A3 respectively of Town and Country Planning (Use Classes) Order 1987 and planning permission was required for a change of use from the former to the latter.

2. As a consequence of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which came into force on 1 September 2020, both existing and proposed uses fall within Use Class E and planning permission is not now needed to use the retail unit as a café.

3. The Council's first reason for refusal relates to the effect of the proposed change of use on the vitality and viability of the shopping parade and non-compliance with Policies SHO5 and SHO6 of the Bexley Unitary Development Plan (2004) (UDP). In the light of the changes to the Use Class Order and the very clear fall-back position that exists, the first reason for refusal must fall away and the main issues are therefore the effects of the proposal on:

   (i) the living conditions of the occupiers of 15 Falconwood Parade, with particular regard to privacy; and

   (ii) the character and appearance of the area.

Reasons

Living Conditions

4. The proposal includes the erection of a full-width single-storey rear extension. This would infill the space between the rear elevation and the single-storey building to the rear. In order to maintain access to the upper level residential accommodation the external stairs would be re-located next to the boundary shared with 15 Falconwood Parade. The top landing of these stairs would project a significant distance beyond the rear elevation and would be close to a rear-facing window serving residential accommodation at No.15. As a consequence of this arrangement, the proposal would enable views into the next door property and therefore a severe and unwarranted loss of privacy.

5. Due to its siting, layout and design I conclude that the external stairs would have an unacceptable effect on the living conditions of the occupiers of No.15. The proposal therefore conflicts with UDP Policies H9 and ENV39 which, amongst other matters, state that development should not adversely affect the amenity of residents of adjoining properties.

Character and Appearance

6. The appeal property forms part of a characterful, purpose-built shopping parade. Although the detailed design of the individual shopfronts differs, the parade retains a high degree of unity by virtue of the half-timbered upper floors and the brick piers between each unit.

7. The proposal includes alterations to the shopfront and the signage above, and the installation of a 1m deep "front retracting canopy". I note that other units in the parade, including the appeal property, have retracting canopies and they are a characteristic of the area. These are sited below the signage and are quite discreet elements. By contrast the proposed canopy would be sited above the signage resulting in a more prominent canopy than elsewhere and cramped signage. This would be an incongruous arrangement that would be out of keeping with the parade and therefore harmful to the appearance of the appeal property.

8. Due to its poor design, I conclude that the proposal would have an unacceptable effect on the character and appearance of the appeal property and the shopping parade. It therefore fails to comply with UDP Policy SHO17 which states that proposals for alterations to shop frontages are required to respect the scale, character and design of the individual property or the group of properties and area generally. There is also conflict with Policy CS01 of the Bexley Core Strategy Local Development Framework Development Plan Document (2012) which seeks development that is of a high standard of design and compatible with the character of the surrounding area.

Conclusion

9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR