
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/20/3262317
179 Erith Road, Bexleyheath DA7 6HX

- 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 Ms A McMillan against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/01132/FUL, dated 30 April 2020, was refused by notice dated 5 August 2020.
 - The development proposed is the erection of a one-bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a one-bedroom house at 179 Erith Road, Bexleyheath DA7 6HX in accordance with the terms of the application, Ref 20/01132/FUL, dated 30 April 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a 2-storey semi-detached house. It is situated next to the junction between Erith Road and Silverdale Road in a residential area comprising predominately semi-detached houses of similar age and appearance, many of which have been extended. The property has a long garden with a parking area at the rear, which is accessed via a crossover from Silverdale Road. I note that many similar end-of-garden sites in the area are occupied by large garages, in the case of the property opposite this is directly next to the road. Secondary buildings in these locations have become part of the established character and appearance of the area and these buildings are of varied design, materials and age.
4. The appeal proposal would involve the construction of a part-single part 2-storey 1-bedroom dwelling within the rear part of the garden. This would be of contemporary design and would have an off-street parking space accessed from Silverdale Road and a small garden to the front and side.
5. The upper floor of the proposal would be partly accommodated within the roof space thus ensuring that the house would be subordinate in height, bulk and massing to the neighbouring houses. It would be set back from the road thus giving scope for planting within the front garden and would generally be viewed

in the context of the flank elevation of the neighbouring house in Silverdale Road. Its siting and modest bulk and massing would ensure that the proposal is a relatively secondary feature in the street scene in comparison to the nearby extended semi-detached houses. The proposal would incorporate clay tiled pitched roofs and white painted rendered walls. As such it would reflect the appearance of the neighbouring houses whilst adopting a contemporary approach, which is appropriate in this situation.

6. For these reasons I am satisfied that the proposal would not have an unacceptable effect on the character and appearance of the area. It therefore accords with Policies H3, H8 and ENV39 of the Bexley Unitary Development Plan (2004) and Policies CS01 and CS02 of the Bexley Core Strategy Local Development Framework Development Plan Document (2012). Amongst other matters these policies seek development that is of a high standard of design and compatible with the character of the surrounding area. The proposal also accords with Policy D3 of the London Plan (2021) which advocates a design-led approach to optimising development capacity.

Other Matters

7. I note that the proposal would be sited close to the boundary shared with 177 Erith Road. I am satisfied that this neighbouring property would retain adequate outlook and access to natural light. To ensure this remains the case, permitted development rights in respect of additions to the approved dwelling have been removed. To avoid potentially harmful overlooking of No.177, a planning condition is imposed to require the installation and retention of obscured glazing in the rear upper floor windows. In addition, a planning condition removes permitted development rights in respect of additional windows.

Conditions

8. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance. For the avoidance of doubt and in the interests of proper planning, a condition requiring the approved development to be carried out in accordance with the approved drawings is imposed. As these drawings clearly indicate the intended materials to be used, a separate planning condition requiring this is not needed. Similarly, the proposed condition seeking details of parking spaces is not necessary as these are shown on the approved drawings and details of their construction can be secured as part of the landscaping condition.
9. Planning conditions are imposed to ensure the site is adequately drained and to prevent harm to a nearby tree. In the case of the latter there is a clear need for measures to be in place prior to the commencement of all works within the site. To protect and enhance the character and appearance of the area a condition is imposed to require the approval and provision of a landscaping scheme, including planting and boundary treatment details.
10. In the interests of highway safety and to discourage private car use conditions are imposed requiring the provision of visibility splays at the vehicular access points, and cycle storage. So as to ensure that the development provides (or can be adapted to provide) satisfactory accommodation for people whose mobility is impaired, and water efficiency, conditions requiring that the

expectations of the London Plan for the Optional Building Regulations Requirements are met are imposed.

Conclusion

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

S Poole INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18005/P001A; 18005/P002A and 18005/P003A.
- 3) The obscured glazing shown on approved drawing 18005/P002A shall be installed prior to the first occupation of the dwelling hereby approved and shall be retained thereafter.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), no further windows, other than those shown in the approved plans, shall be formed in the southern and eastern elevations of the building.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting this Order) no development permitted by Classes A, AA or D of Part 1 of Schedule 2 of the aforementioned Order (as amended), shall be erected or made within the curtilage of the dwelling hereby permitted without the prior written approval of the Local Planning Authority.
- 6) Prior to commencement of above ground development, a scheme for a Sustainable Drainage System in accordance with the Bexley Sustainable Drainage Design and Evaluation Guide (2018) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of:
 - i. How reduction in surface water runoff to the greenfield runoff rate shall be achieved;
 - ii. Calculations to demonstrate that the proposed system is fit for purpose, including correctly sized attenuation and surface water discharge rates;
 - iii. Installation of petrol/oil interceptors as necessary;
 - iv. Distribution of foul water flows into the surrounding sewer network as necessary;
 - v. Installation of rainfall attenuation units for capturing and reusing water;

vi. Information about the design storm period and intensity, the method employed to delay and control surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters;

vii. Include a timetable for its implementation; and

viii. Provide a management and maintenance plan for the lifetime of the development.

The development shall only be carried out in accordance with the approved details.

- 7) No development shall take place until details of the construction methods to be employed in order to minimise the impact on the fruit tree in the adjacent garden (within the garden of 177 Erith Road) which lies near to the common boundary with the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to the commencement of above ground works, details of hard and soft landscaping and details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out fully prior to the first occupation of the dwelling. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.
- 9) Prior to occupation of the development the vehicle accesses shall be provided with those parts of 2m x 2m pedestrian visibility splays that can be accommodated within the site in both directions and shall thereafter be maintained free of all obstructions to visibility between heights of 0.6m and 2m above the level of the adjoining highway.
- 10) Prior to the occupation of the development hereby approved, further details of secure cycle parking arrangements, including details of cycle racks and/or any other security measures, shall be submitted to and approved in writing by the Local Planning Authority.
- 11) Prior to occupation of the development, the development shall comply with Building Regulations Optional Requirement Approved Document G2 – Water efficiency (2015 edition).

Prior to occupation evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

- 12) The dwelling shall comply with Building Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and adaptable dwellings (2015 edition).

Prior to occupation evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.