
Appeal Decision

Site visit made on 13 May 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/D5120/D/20/3265482

50 Marlborough Park Avenue, Sidcup DA15 9DP

- 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 A Raupov against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/02034/FUL, dated 17 August 2020, was refused by notice dated 26 November 2020.
 - The development proposed is an outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for an outbuilding at 50 Marlborough Park Avenue, Sidcup DA15 9DP in accordance with the terms of the application, Ref 20/02034/FUL, dated 17 August 2020, and the plans submitted with it (floor plan, location plan, block plan, elevations, right side elevation, left side elevation, front elevation), subject to the condition in the attached schedule.

Preliminary Matters

2. I have taken the description from the Council's decision notice, rather than the original planning application form or appeal form, as it better describes the proposal. Nevertheless, I have deleted the wording "retention of" as this is not an act of development.
3. At my site visit, I saw that the development has been partially completed and I note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.
4. The Council's decision notice refers to a policy in the 2016 London Plan, which has been replaced with the 2021 version (LP). I shall have regard to this policy context in the determination of the appeal.

Main Issue

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

Reasons

6. The appeal site relates to a semi-detached, two-storey dwelling with off-street parking spaces to the front. The property is bordered to the side and rear by a watercourse, with a recreation ground on the opposite bank.
-

7. The development is located in the side garden of the residence, to the front of the main building line of the six houses along this section of Marlborough Park Avenue. The garden is on lower ground than the adjacent public highway and drive that serves the dwelling.
8. Approaching the site from the north, the development can be glimpsed behind mature vegetation, a closeboard fence demarcating the boundary with the watercourse, and metal gates and railings associated with the entrance to the recreation ground. From immediately in front the development is hidden by a mixture of dwarf wall, closeboard fence and hedgerow.
9. The outbuilding is most readily apparent from the south, and its presence is somewhat anomalous within the context of the streetscene. Nevertheless, the impact of the development is tempered as it is situated on lower ground than the host property.
10. The Planning Practice Guidance states that conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.
11. To this end, I consider that the outbuilding could be screened by vegetation such that it would not be visible from the public domain. There is sufficient space between the development and the driveway for a raised bed to be created, and for permanent evergreen planting to become established. The boundary with the watercourse would also be the subject of the landscaping scheme, to ensure that any views of the outbuilding would be prevented from around the entrance to the recreation ground. Such planting would have the added benefit of providing privacy for the appellant when the outbuilding is in use.
12. I note the Council's concerns regarding precedent, however I have outlined above that the site has unique characteristics within the context of the locality, and a condition can be imposed to mitigate any adverse effects.
13. I therefore conclude that the proposal would not cause harm to the character and appearance of the area. It would meet the requirements of policies ENV39 and H9 of the Bexley Council Unitary Development Plan April 2004 and policy D4 of the LP. These policies seek to ensure proposals relate to surrounding development, meet high standards of design and protect the character of an area. It would also be consistent with the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Conditions

14. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. As the development has already commenced, it is not necessary or possible to impose the standard plans condition, although I have listed the application plans in my decision so it is clear what was submitted.
15. A condition requiring the submission of a landscaping scheme is necessary to ensure that the proposal integrates with the site and surrounding area. I note the Council's suggested conditions regarding completion of the works, however these would not be necessary once the landscaping has been provided. A condition restricting the use of the outbuilding is also not necessary; a separate unit of accommodation or business use would require a fresh application for

planning permission, and I consider that preventing person from sleeping in the building would not be enforceable.

Conclusion

16. Having regard to the foregoing, I conclude that the appeal should be allowed.

C Hall

INSPECTOR

Condition

- 1) Unless within 3 months of the date of this decision a landscaping scheme is submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 3 months of the local planning authority's approval, the development shall be removed.

The landscaping works shall be carried out in accordance with the approved details, and with the agreed implementation programme. The completed soft landscaping scheme shall be retained for the lifetime of the development. Any trees or shrubs which die, or are damaged, removed or seriously diseased shall be replaced by those of a similar size and species to those originally planted.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.