



Appeal Decision

Site Visit made on 8 November 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/D5120/W/21/3273029

19 Ruskin Road, Belvedere DA17 5BD

- 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 Martin and Langley against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/02001/FUL, dated 11 August 2020, was refused by notice dated 2 December 2020.
 - The development proposed is described as Erection of a Part 2/part 3 storey building to provide 6 apartments comprising 2 x 1 bed and 4 x 2 bed with associated amenities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development as it is shown on the appeal form since, whilst not matching the description on the application form, most accurately describes the development to which this appeal relates. The description has been agreed by the main parties and I have therefore determined the appeal on this basis.
3. The London Plan 2021 (LP) was adopted in March 2021 and its policies replaced those within the London Plan 2016, including Policies 6.9, 6.13 and 7.6 referred to in the Council's reasons for refusal of planning permission. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the new LP in my decision.
4. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issues

5. The main issues are:
 - the effect of the proposed development on parking availability and highway safety in the area;
 - whether the proposal makes adequate provision for cycle parking; and
 - the effect of the development proposed on the living conditions of the occupiers of 17 Ruskin Road, with particular regard to outlook and privacy.

Reasons

Highway safety

6. The appeal site is located on the western side of Ruskin Road, an unclassified road within a residential area. The site comprises a two storey detached dwelling with detached garage and vehicle crossover. Although some properties have driveways with off-street parking, many do not benefit from such provision and consequently rely upon on-street parking, including on both sides of Ruskin Road. The site is within an area with a Public Transport Accessibility Level (PTAL) of 1b and is therefore considered to have a "very poor" level of accessibility to local public transport links.
7. In view of this very poor level of accessibility, future occupiers of the proposed apartments would be likely to need private cars to meet many of their day-to-day needs. Given the PTAL the proposal should provide 5 parking spaces within the appeal site, but no off-street parking is proposed. Following removal of the dropped kerb outside the site, as proposed, an additional on-street parking space would be provided so that the net increase would be an additional 4 vehicles on the road.
8. I have taken into account the appellants' parking survey which covered areas within 200 metres of the site. The survey was carried out on the 9 and 10 June 2020 at 05:10 and 05:15 respectively. It concluded that there were parking space occupancy levels of between 67-68% using the 'Lambeth' methodology of 5 metre spaces, or 79-80% when spaces are measured at 5.5 metres using the London Borough of Bexley methodology. With the introduction of the proposed development, the occupancy levels would rise to 71-72% using the former methodology, or 83.5-84.6% using the latter. The latter would be only slightly below the 85% threshold where networks are considered stressed.
9. However, the survey only assessed parking at particular times and not during the daytime. It cannot be assumed that occupiers' cars would only be parked during the evening and night. I also note the comments of local residents that the survey does not take into account the properties that were unoccupied at the time of the survey which, when occupied, would be likely to add several additional parked vehicles. There is no indication that the survey has taken into consideration the parking requirements of visitors and deliveries to the site.
10. It is clear from the mapping undertaken as part of the survey that although there were a few empty bays, the amount of kerbside space available in the vicinity of the appeal site was almost at capacity. Consequently, this does not conclusively demonstrate that there would be reasonably available car parking within a convenient distance of the appeal site which occupiers could use. Furthermore, whilst any such parking survey can only be considered to essentially represent a snapshot in time, at the time of my visit to the appeal site at around midday, there was only very limited availability for parking on surrounding streets. It is reasonable to suppose that the situation could be worse during peak times and I note the comments from residents that Ruskin Road and nearby roads are already heavily congested.
11. The proposed apartments would, in my view, lead to additional pressure for parking provision in an already congested area or would displace existing occupiers on-street. This would result in overspill parking on the nearby roads and potentially lead to reduced visibility at junctions due to parked vehicles,

obstruction of crossovers, and obstruction of emergency service, refuse and larger delivery vehicles. The cumulative effects on the safety of highway users and the amenity of local residents would, as a result, be unacceptable.

12. For the above reasons, I conclude that the proposal would cause harm to parking availability and highway safety in the area. The proposal would not therefore accord with saved Policies T17 and ENV39 of the Bexley Council Unitary Development Plan (2004) (UDP), Policy CS15 of the Bexley Core Strategy (2012) and Policies T6 and T6.1 of the LP. These policies seek, amongst other things, to ensure that developments make adequate provision for parking.

Cycle parking provision

13. Policy T5 of the LP seeks to ensure that sufficient cycle parking is provided in new development in accordance with guidance contained within the London Cycling Design Standards (2014). Such provision should be fit for purpose, secure and well located.
14. There is some dispute as to the required level of cycle parking provision. Having regard to the cycle parking standards set out in Table 10.2 of LP Policy T5, the Council considers that the development would generate a requirement for 11 spaces. The appellants state that the proposal would be required to provide a minimum of 8 spaces. I am satisfied that there would be sufficient space to the rear of the site to provide the required number of spaces and that this could have been addressed by way of a condition requiring details of cycle parking facilities to be submitted had I decided to allow the appeal.
15. However, the provision should be convenient and accessible. Cycle storage is proposed within the rear gardens and terraces of the properties and would be a considerable distance from the road. Future occupiers of those properties would have to negotiate a series of steps to the sides of the building. Cycle storage within the rear terraces would be poorly located since access to the front of the properties would be through a number of doors and a corridor. The proposed cycle parking provision would not therefore be well located in terms of accessibility or convenience, which would be a disincentive to some occupiers using such facilities.
16. I consider that this would reduce the attractiveness of the cycle storage for future occupiers which, in light of the lack of car parking provision, and very poor level of accessibility to local public transport, weighs significantly against the proposal. Consequently, it has not been satisfactorily demonstrated that the proposal would make adequate provision for cyclists. The proposal would therefore be contrary to Policy T5 of the LP, which seeks to secure adequate cycle parking provision.

Living conditions

17. The appeal site is bounded to the south by 17 Ruskin Road, a detached bungalow. This neighbouring property includes a small terrace to the rear which is accessed from glazed patio doors close to the appeal site boundary which serve a living room/kitchen. Beyond the terrace there is a small rear garden and a domestic outbuilding which is positioned adjacent to the boundary fence between the neighbouring property and the site.

18. The proposed development would be positioned within close proximity of the neighbouring property and would extend beyond its rear elevation. Beyond the single storey rear extension a rear terrace is proposed, which would be raised due to the steep slope to the rear. Although the Council considers that there would likely be a reduction in light to the neighbour's patio doors serving the living room/kitchen, it is noted that there is a second larger window serving the same room, such that there would not be significant loss of light overall.
19. The two storey part of the building would extend a small distance beyond the rear elevation of No 17. The single storey rear extension and terrace would project further from the rear. However, the plans show that the lean-to roof above the rear extension would not be significantly higher than the neighbour's patio doors. Given the relatively limited projection of the single storey rear extension, views from the neighbour's rear patio doors towards the development would be at an oblique angle, which I consider would not be significantly harmful to their outlook. The Council accepts that the effect on the neighbour's rear garden would be reduced due to the fact that the property also has an additional garden area to the south. Consequently, I find that the proposal would not result in any significant overbearing effect or loss of outlook in relation to this neighbouring occupier.
20. The submitted plans indicate that the proposed terrace would be sited at about the same level as No 17's rear terrace. Although the proposed terrace would potentially give views towards the neighbour's rear patio doors and terrace, a privacy screen is proposed to this side, which would restrict views from the terrace towards the neighbour's property. Had I been minded to allow the appeal, details of the proposed boundary treatment could have been agreed by means of an appropriate condition to protect the neighbour's privacy.
21. For these reasons, I consider that the appeal scheme would not be harmful to the living conditions of the occupiers of 17 Ruskin Road, with particular regard to outlook and privacy. In this respect, there would be no conflict with saved Policies H9 and ENV39 of the UDP, Policy D6 of the LP, and the Framework, which, amongst other things, require development not to harm neighbouring residential amenities.

Other Matters

22. I note that the Council has raised some additional points regarding detailed matters of design, accessibility and safety. However, even were I to reason that the scheme were acceptable in all other respects, that would be effectively neutral rather than weighing positively in favour of allowing the appeal.
23. The development would offer potential benefits in terms of providing new dwellings to the Council's housing stock. It would also have economic benefits through employment opportunities created during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. However, given the modest scale of the development proposed, the weight attributable to these matters is limited and is not sufficient to outweigh the significant harm that I have identified and the conflict with the policies I have referred to.

Conclusion

24. Although I have found that the development proposed would not be harmful to the living conditions of 17 Ruskin Road, I have also found that the proposal would have unacceptable effects on highway safety due to inadequate parking provision, together with inadequate cycle parking provision. As such, the proposal is contrary to the development plan as well as the Framework, and there are no other material considerations of sufficient weight to indicate a decision be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR