



Appeal Decision

Site visit made on 16 December 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/D5120/W/21/3274794

91 Appledore Crescent, Sidcup DA14 6RG

- 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 Mrs Clifford against the decision of London Borough of Bexley.
 - The application Ref 20/03088/FUL, dated 4 January 2021, was refused by notice dated 1 March 2021.
 - The development proposed is the demolition of existing garage and erection of a 2-bed detached bungalow with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issues

3. The main issues are 1) the effect of the proposed development on the character and appearance of the area, 2) whether or not the development would provide acceptable living conditions for its future occupants, with specific regard to outlook and amenity space, and 3) the effect of the proposed development on the living conditions of the occupants of 91 Appledore Crescent, with specific regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises an extended two-storey semi-detached dwelling on a corner plot in a predominantly residential area. The appeal site includes a detached single storey garage to the rear that serves the host dwelling. This garage is proposed to be demolished and replaced with a detached bungalow.
5. The surrounding area contains dwellings of a wide range of appearance. These dwellings are, in certain settings, interspersed with garages and other small buildings such as the electricity sub-station adjacent to the site. The proposed development, that would involve the demolition of the existing garage and its replacement with another, albeit larger, single storey building, would not cause

significant harm to the appearance of the area, in light of the context I have identified.

6. Although there is a wide variation in the appearance of the surrounding properties, one of the dominant characteristics of Appledore Crescent and Lydd Close is that of being mainly two-storey semi-detached properties with clearly defined front gardens and large rear gardens. The Ockley Court flat development being the notable exception in the immediate area.
7. The proposed development forming a two-bedroom, single storey property with no clearly defined front garden and a notably smaller, by comparison, rear garden would conflict with, and contribute to the erosion of, this established arrangement. Such an abrupt deviation from the established character of the area would cause minor harm.
8. The proposed development would therefore conflict with Policies ENV39 and H8 of the Bexley Unitary Development Plan (2004). These policies require, amongst other things, that all developments are of a high standard of design and layout having regard to its compatibility with the character of the surrounding area, and that for backland development, that there is no adverse effect on the character of the area.
9. It would also conflict with the requirement of the Framework that planning decisions should ensure that developments are sympathetic to local character.

Living conditions – future occupants

10. The proposed dwelling has three habitable rooms. These are, two bedrooms at the front of the property that overlook the driveway and street, and a combined living/kitchen/dining room at the rear.
11. The latter of these rooms is the primary 'living' room of the property. Outlook from this room would be via glazed doors onto the proposed rear garden area. There are also proposed rooflights that would serve the room. The outlook from the room would be directly onto a proposed 1.8m high boundary fence, at a distance of around 5m. The outlook would also encompass a tree shown to be retained at the foot of the garden, along with existing trees adjacent to the side boundary within Ockley Court.
12. Due to the depth of the proposed rear garden area and the direct outlook onto a 1.8m boundary fence, I consider that this would result in a claustrophobic and confined environment. In this case, I have given weight to the fact that this would be the primary outlook from the dwelling as a whole, and from a room where occupants would typically spend the majority of their time.
13. I acknowledge that the size of the dwelling and its amenity space would comply with the relevant sections of The London Plan. In this regard I find that the amenity space, solely in terms of its area and useability, in the context of the size of the proposed dwelling, would not be unacceptable. This is however an entirely separate matter to that of outlook.
14. I therefore find that the proposed development would not provide acceptable living conditions for future occupants with regard to outlook. It would be contrary to Policy H7 of the Bexley Unitary Development Plan (2004) which requires that residential development should provide a reasonable degree of outlook.

15. It would also conflict with the requirement of the Framework that planning decisions should ensure that developments provide a high standard of amenity for existing and future users.

Living conditions – 91 Appledore Crescent

16. The evidence outlines that the new boundary fence, beyond which would sit the proposed dwelling, would be between 7m and 9m from the rear of 91 Appledore Crescent.
17. By reason of its overall scale and height, the proposed dwelling would be highly noticeable and dominant above the proposed boundary treatment and represent a notably larger structure than the existing garage. I acknowledge that the side elevation would present the gable end of the proposed property towards 91 Appledore Crescent, with the bulk of the visible section reducing in height in line with the roof slope.
18. The Design for Living Supplementary Planning Document (SPD) (2006) outlines, amongst other things, that where new development abuts existing residential development, maintain the existing expected levels of outlook and ensure that there are 16 metres from habitable room windows to a flank wall. The proposed development would therefore fall short of the 16m distance as outlined in the SPD.
19. The appellant considers that this guidance must relate to two-storey developments, and it therefore is not applicable in this instance. There is nothing however in the SPD to suggest that this is the case.
20. Although there is a clear conflict with the distance referred to in the SPD, taking into account the amount of the proposed development that would be visible, and the distance from 91 Appledore Crescent, I find that due to its size, scale and siting, the level of harm that would be caused by the proposed development, would be moderate.
21. The proposed development would nevertheless cause a degree of harm to the living conditions of occupants of 91 Appledore Crescent with regard to outlook. It would therefore be contrary to Policies ENV39 and H8 of the Bexley Unitary Development Plan (2004) which require, amongst other things, that development does not prejudice the environment of adjacent properties, and for developments of this nature, they are adequately separated from other dwellings in terms of their amenities.

Other Matters

22. The Council consider that the proposed development would be contrary to the Design and Development Control Guidelines 2 of the Bexley Unitary Development Plan (2004). These guidelines specifically relate to extensions to houses and therefore are not relevant to the proposed development.
23. Both the Council's reasons for refusal refer to Policy H9 of the Bexley Unitary Development Plan (2004). This policy relates to residential extensions and alterations and is therefore not applicable to the appeal proposal. The first reason for refusal also refers to Policy CS02 of the Bexley Core Strategy (2012). This policy is a strategic level policy that relates to the defined Bexleyheath geographic region, which the appeal site is not within. This policy is therefore also not applicable to the appeal proposal.

24. The appellant has suggested that in addition to the Council's suggested condition to remove certain permitted development rights, that this should be extended to include permitted development rights that would allow for an additional storey to be added. This suggested condition would not however overcome the harm I have identified.

Planning Balance and Conclusion

25. The Government's objective as set out in the Framework is to support housing growth. Although the proposed development would result in only a slight increase in the Council's overall housing number, this is nevertheless a factor of significant weight in favour of the proposed development.
26. Although I have found only minor harm would be caused to the character and appearance of the area, and that moderate harm would be caused to the living conditions of the occupants of 91 Appledore Crescent with regard to outlook, when combined with the harm I have identified would be caused to the living conditions of future occupants, with regard to outlook, collectively, these matters attract significant weight that outweighs the benefits associated with the proposed development.
27. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
28. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR