

Appeal Decision

Site visit made on 10 December 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Reference: APP/D5120/D/21/3283167

Land at 55 Heathside Avenue, Bexleyheath DA7 4PY

- 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 Beneng against the decision of the London Borough of Bexley Council.
 - The application (reference 20/03302/FUL, dated 17 December 2020) was refused by notice dated 13 July 2021.
 - The development proposed is described in the application form as a “retrospective application for garden storage building”.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance).

Reasons

3. The appeal site lies in a relatively dense residential part of London and Heathside Avenue is a quiet side road, off Pickford Lane, which is a busier through route. There are a number of similar semi-detached properties in Heathside Avenue but alterations have been made over the years and the streetscene now exhibits considerable variety.
4. The property at number 55 Heathside Avenue forms a pair with its neighbour, and is visually similar to others in the road. A new property has been attached to the side of number 55, however, now identified as number 55A, although the application plans show the two properties to be in the same ownership or control. Number 55A is allocated a narrower frontage and shorter back garden than number 55 but its plot includes a small rectangle of land attached to the eastern side boundary.
5. This additional area is almost entirely occupied by a flat roofed outbuilding which is located at the rear of properties that have their frontages to Pickford Road, at a right-angle to Heathside Avenue. There is only a very limited gap

- between the projecting outbuilding at the appeal site and the rear part of the neighbouring building at number 106 Pickford Lane, which stands at the corner of that road and Heathside Avenue.
6. The small rectangular outbuilding at the side of number 55A has been reconstructed recently, indeed it was not wholly complete at the time of the site visit. In effect, planning permission is now sought for its retention.
 7. The 'National Planning Policy Framework' (which was revised in July 2021) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
 8. Policies ENV39 and H9 in the 'Bexley Council Unitary Development Plan' (adopted in April 2004) lay a specific emphasis on the need for good design, including in respect of "residential development consisting of extensions and alterations". The 'London Borough of Bexley Core Strategy' (which was adopted in February 2012) and 'The London Plan' likewise seek to encourage high standards of design.
 9. Section 2 of the 'Design and Development Control Guidelines' underpins the Development Plan Policies, with specific guidance on "extensions to houses".
 10. The new outbuilding is very basic in construction but it is screened from neighbours, to an extent, by the boundary fences on three sides. Nevertheless, it rises above the tops of the fences and clearly has an impact on the outlook from the neighbouring building. It is particularly intrusive in relation to number 106C Pickford Lane. Thus, although it is a relatively modest building, the outbuilding has an overbearing effect on the neighbouring property and causes actual harm to the living conditions of adjoining residents, who are, in any case, subject to the visual dominance of neighbouring structures and whose outlook ought not to be further spoiled.
 11. The appeal site lies within an established urban area, which is "sustainable" in planning terms, and the outbuilding could be useful, no doubt, for "garden storage" (as stated in the planning application). Nevertheless, it would have a significant adverse effect on its residential neighbours and it would aggravate an existing poor relationship. It cannot be described as an example of good design and the harm that I have identified outweighs the benefits of the project.
 12. Hence, I have concluded that the appeal scheme would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR