



Appeal Decision

Site visit made on 18 January 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 FEBRUARY 2022

Appeal Ref: APP/D5120/W/21/3277270

19 Braeside Crescent, Bexleyheath DA7 6AU

- 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 Paul Robert against the decision of The Council of the London Borough of Bexley.
 - The application Ref 21/00780/FUL, dated 10 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is for the construction of an end of terrace three bedroom single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a revised floorplan 19BC/NH/2020/02B omitting the Study on the first floor. However, this drawing has not been formally submitted to the Council during the planning application process. Appeals are generally considered on the basis of the scheme and the plans which were before the Council at the time of their decision in order to ensure that public consultation has taken place. Accordingly, I have not referred to this drawing in reaching my decision.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the living conditions of neighbouring occupiers of 8a, 10 and 10a Leysdown Avenue with particular reference to outlook.
 - The effect of the proposed development on the living conditions of its future occupiers, with particular reference to internal space standards.

Reasons

Living Conditions

4. The dwellings in the immediate area are two-storey and arranged in a terrace fronting Braeside Crescent. The appeal site forms part of the residential side garden of 19 Braeside Crescent. A close boarded fence defines the boundary to the front, side and rear of the appeal site partially enclosing the garden area of No 19. A footpath runs along the side of the appeal site, separating the appeal

- site from the rear gardens of 8a, 10 and 10a Leysdown Avenue. These terraced dwellings in Leysdown Avenue are on lower land and at right angles to the appeal site, with their rear windows and gardens facing the appeal site.
5. It is proposed to erect a two-storey end terrace dwellinghouse to the side of No 19. The development proposal would infill the side garden area of No 19 and would extend up to the footpath. It would be built in materials to match No 19 and would broadly follow the established building line, at two storey height with an end gable wall facing adjacent properties on Leysdown Avenue.
 6. While there is some dispute between the main parties as to the distances between the rear elevations of Nos 8a, 10 and 10a and flank wall of the proposed development, it is accepted by both parties that this separation would be under 16 metres. The Bexley Design for Living Supplementary Planning Guidance 2006 (SPG) states at Principle 3 of 'A Private Environment' that where new development abuts existing residential development, in order to maintain the existing expected levels of outlook, a distance of at least 16 metres from habitable room windows to a flank wall is expected.
 7. In this case, the proposal falls short of this guidance. This limited separation distance is compounded by the appeal site sitting on higher land than Nos 8a, 10 and 10a and by the gable ended design of the appeal proposal. The proposed development would be highly visible from Nos 10 and 10a. The combination of the limited extent of separation, and the width and height of the proposed development would create an overbearing, dominant and visually intrusive development when viewed from the garden and rear windows of Nos 10 and 10a. The proposed development would therefore have an adverse impact upon the outlook of the neighbouring residents at Nos 10 and 10a.
 8. The development proposal would not extend as significantly, at two-storey height, behind and across the rear width of No 8a's plot and accordingly the outlook from the garden and rear windows of this dwelling would not be harmed.
 9. It is clear from the submitted evidence that a dwelling of similar proportions, design and separation once existed at this appeal site. However, the main parties indicate that this previous dwelling was demolished well over a decade ago. This passage of time is considerable and the outlook from neighbouring properties has become established over these intervening years, with scope for new occupiers having moved in since demolition. Consequently, the historical presence of a building carries very limited weight and I have therefore considered the appeal site as it stands now and on its own merits.
 10. While my attention was drawn to examples of other dwellings elsewhere which are sited near each other, my assessment is based on the site-specific circumstances. I have not been provided with the detailed planning history of these other examples. As such, it is not possible to confirm that the examples provided are comparable to the appeal before me.
 11. The appellant has referred to there being no issues with privacy or effects on light to neighbouring properties. While this may be the case, this does not alter my findings with regard to outlook.
 12. Notwithstanding there would be no harm in relation to the outlook of neighbouring residents of 8a Leysdown Avenue, I conclude that the proposed

development would have an unneighbourly and overbearing effect on the living conditions of neighbouring residents at 10 and 10a Leysdown Avenue with particular reference to outlook. The proposal is therefore contrary to Policies ENV39 and H8 in the Bexley Unitary Development Plan 2004 and the SPG which, amongst other things, seek to ensure established living conditions of neighbouring properties are not prejudiced.

Standard of Living Accommodation

13. Policy D6 of the London Plan (2021) sets out, amongst other things, a standard for adequately sized rooms. As part of its delegated report, the Council states, the bedroom sizes, as proposed, are 8.71sqm, 6.93sqm and 5.28sqm. These figures are not disputed by the appellant.
14. The space standards as set out in Policy D6 require that dwellings with two or more bedspaces, must have at least one double (or twin) bedroom that is at least 2.75m wide, and it must have a floor area of at least 11.5sqm and each one bedspace single bedroom must have a floor area of at least 7.5sqm and be at least 2.15m wide.
15. None of the bedrooms meet the floor area required for a double bedroom. In addition, only one bedroom satisfies the floor area requirements of the London Plan for a one bedspace single bedroom. The remaining two bedrooms fall short of the requirements for both a single or double bedroom.
16. I therefore conclude that the proposed development would have an unacceptable effect on the living conditions of future occupiers with particular reference to internal space standards. The proposal is therefore contrary to the internal space requirements of Policy D6 of the London Plan, as set out above.

Other Matters

17. Concerns have been raised in respect to privacy, land stability and subsidence. Given my overall findings, there is no need for me to address these matters further.

Conclusion

18. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is dismissed.

N Praine

INSPECTOR