



Appeal Decision

Site visit made on 1st February 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 8th March 2022

Appeal Ref: APP/D5120/W/21/3277298

14 Maple Crescent, Blackfen, Sidcup, Kent DA19 9LT

- 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 Ellis against the decision of the London Borough of Bexley.
 - The application Ref.20/03295/FUL, dated 1st December 2021, was refused by notice dated 4 May 2021.
 - The development proposed is the "construction of a one end of terraced house with ancillary parking".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the host dwelling, adjoining terraced dwellings and the wider area, the effect on the living conditions of future occupants of the proposed dwellings by reason of layout, outlook, size and private amenity space, whether vehicular parking would be adequate, and whether safe and secure refuse/recycling and cycle storage could be secured for each unit.

Reasons

Character and Appearance

3. The appeal site is primarily a two storey dwelling with a back and side garden, and off-road parking. The red-lined appeal site incorporates an additional adjacent front accessway and, at the rear of the dwelling it includes an access drive between dwellings on Wellington Avenue and some accessway land to garages at the rear of a number of dwellings in Wellington Avenue.
4. The appeal dwelling is on the end of a terrace of dwellings in Maple Crescent. The Crescent is a residential cul-de-sac and the streetscene comprises properties of similar scales and appearances mainly consisting of rows of two storey dwellings. A number of these properties have been extended to the side and rear.
5. The proposed development is for a part one/part two storey side and rear extension which would create two separate residential units. One would have two bedrooms and the other would have three bedrooms. The existing dwelling was extended in the 1960s with a two storey side extension with a flat roof and which extends beyond the rear of the original dwelling.

6. The scheme would elongate the existing hipped and pitched roof over both the existing side extension and the proposed side extension. The proposed side extension would be stepped in from the front elevation rather than flush with it. The ridge of the proposed side addition roof would be hipped and pitched and set slightly lower than the roof ridge over the remodelled existing dwelling. There would be a further single storey projection to the rear of the proposed side/rear extension.
7. The proposed site plan includes four parking spaces, two would be provided to the rear of the site along the western boundary and two would be provided to the front of the original building.
8. Whilst there would be a partial benefit to the appearance of the host dwelling from a change from a partly flat roof to a pitch, the scheme overall would result in a bulk and mass that would be disproportionate to the host dwelling and to the row of terraced dwellings 14 – 24 Maple Crescent. I have borne in mind the front elevation set back and the slightly lower ridge line but that does not change my view.
9. The proposal would create a two storey building coming close to the northern edge of the plot. Whilst at no.24, at the other end of the terrace, the dwelling has been extended, amongst other things, by a single storey side extension, that scale of extension is significantly more sympathetic to no.24. The cumulative extent of the extensions to the side of the original appeal dwelling would be far in excess of what has taken place to the other end of terrace properties within the vicinity of the site. The cumulative bulk and massing of the development would over double the width of the original property, which in turn would have a visually unbalancing impact on the row of terraced properties that are relatively uniform and modest in overall size and arrangement. The increased bulk and scale of the property would be exacerbated by the use of the new scheme for a further residential dwelling. In addition, the loss of the view of a large part of the tall tree which is located near the garages at the rear of Wellington Avenue and can be seen through the appeal site from Maple Crescent would also be harmful to the Maple Crescent streetscene.
10. I have borne in mind other planning permissions to which I have been referred, however, the predominant characteristic of the housing in the immediate area is runs of terraces which retain a good degree of homogeneity. The proposal would result in a prominent development in the cul-de-sac and it would be out of character with the existing terraces.
11. On this issue, I find that the proposal would unduly harm the character and appearance of the host dwelling, row of terraced dwellings and the wider area. It would be contrary to policies ENV39, H3 and H8 of the Bexley Unitary Development Plan 2004, policy D3 of the London Plan (2021) and policy CS01 of the Bexley Core Strategy 2012.

Living Conditions of Future Residents

12. The resulting two-bedroomed dwelling should be a minimum of 70sqm gross internal area (2 bedroom 3 person over two storeys) and it falls below this minimum by several square metres. Two of the bedrooms are below the minimum bedroom sizes required by policy D6 of the London Plan. Overall, I agree with the Council that this would give rise to a cramped and constrained

internal living environment which would be detrimental to the quality of life for the future occupants.

13. Some ground floor habitable rooms would look out onto boundary fences or other boundary treatment. However, owing to the separation distances and orientations, none of the outlooks from any of the resulting habitable rooms in either unit would be so unacceptable as to warrant refusal of planning permission. The private amenity space available to the three bedroomed unit on the end of the row would be fragmented but not so small as to be, for all intents and purposes, unusable. The available space would be in the region of 113 sqm. Consequently, I do not consider the amenity space would be so inadequate as to warrant refusal of permission on its own.
14. Overall on this issue, notwithstanding that outlook and amenity space are not inadequate, the cramped internal living environment in the resulting two-bedroomed unit would be sufficient to warrant refusal. I conclude therefore that in relation to the two-bedroomed unit, the scheme would result in unacceptable harm to the living conditions of future occupants through insufficient internal space. It would be contrary to policy D6 of the London Plan (2021).

Parking

15. The main issue in relation to parking surrounds the proposed provision of two car parking spaces for the three-bedroomed unit at the rear of the unit in the north-western corner. The question of whether the eventual occupier of the three bedroomed unit would have a lawful right to pass and repass by vehicle from/to Wellington Avenue is not one that is in my remit. It is a private law matter outside my jurisdiction. My focus is on the provision of parking. There is insufficient space to manoeuvre a vehicle into these two proposed spaces. Whilst I note that the Council assessed the number of spaces per unit on the UDP requirement and the more recent London Plan may require fewer spaces for the three-bedroomed unit, I do not have sufficient evidence to be assured that less than 2 car parking spaces would be acceptable for that unit. The high demand for on-street parking in the immediate area adds to my concern and my need for convincing evidence on this matter. As a result, I am not persuaded that there could be adequate on-site parking for the proposed development or that adopted policy would not be breached.

Cycle Parking and Refuse Storage

16. The appeal proposal does not expressly demonstrate that adequate cycle parking or adequate refuse storage could be provided for each unit. However, I take the view that the resulting plots for each unit have sufficient potential given their sizes and outdoor areas to be able to facilitate adequate safe and secure cycle parking and refuse/recycling arrangements. Consequently, adequate arrangements could reasonably be the subject of a planning condition and as such, the lack of demonstrable provision at this stage is not a reason for refusing planning permission for the scheme.

Conclusion

17. I have borne in mind the benefit that a net increase of one residential unit to the housing supply in the London Borough of Bexley would bring. I have put that factor into the planning balance along with other benefits which flow from

building a new dwelling. In this case, whilst the provision of cycle parking and refuse facilities could be achieved for the proposed scheme and some of the living conditions for future residents would be acceptable, the significant harm to the character and appearance of the host dwelling, the adjoining terrace of properties and the wider area attracts substantial weight, as does the harm to the living conditions of future occupiers of the two-bedroom unit owing to substandard living space. There is also potential harm arising from inadequate parking provision to add into the planning balance.

18. Overall, I have concluded that adverse impacts outweigh the benefits flowing from the proposal and, having taken all representations into account, the appeal must be dismissed.

Megan Thomas Q.C.

INSPECTOR