



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/D/21/3286601

311 Main Road, Sidcup, Bexley DA14 6QG

- 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 Kevin Murray against the decision of the London Borough of Bexley.
 - The application Ref.21/01564/FUL, dated 7 May 2021, was refused by notice dated 25 August 2021.
 - The development proposed is a double garage and workshop.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. The appellant refers to a new drawing submitted with the appeal showing screening and a reduced angle to 25 degrees of the roof of the proposed new garage/workshop. This drawing has not been the subject of consultation and I consider that the Council and the public would be prejudiced if I treated that drawing as an application plan. Accordingly, I have made my decision on the application plans which were submitted to the Council and consulted upon.

Main Issues

3. The main issues in the appeal are the effect of the proposal on the character and appearance of the host dwelling and the effect of the proposal on the living conditions of occupants of 313 Main Road in respect of outlook.

Reasons

Character and Appearance

4. The appeal site is located on the corner of Main Road and Marechal Niel Avenue within a residential area close to the Sidcup Bypass. There are some commercial uses nearby but the predominant use of the immediate area is residential and the predominant form of housing is semi-detached properties. The appeal site is semi-detached with its semi-pair being no.313 Main Road.
5. There is an existing single storey garage/outbuilding serving no.311 with its access off Marechal Niel Avenue. It sits in the rear garden at a lower level than the main house. There are some steps down to the vehicular access and the garage if walking from the main house.

6. The proposed development is to replace the garage with a larger structure which would have two vehicle spaces, two garage doors and a workshop. The footprint of the new building would be about 5.8m deep and about 8.4m wide. The eaves height would be about 2.5m, the roof would be hipped and the ridge height would be about 4.2m. The rear garden of no.311 Main Road is not large and notwithstanding the resulting development being at a lower level, the building would dominate that part of the garden owing to its bulk and mass. It would be disproportionate to, and incongruous with, the main domestic dwelling. It would not appear as if it were an ancillary residential building owing to its height, scale, and mass.
7. Being situated on a corner it would be visible from public vantage points. Given its dimensions, any landscaping scheme compatible with the suburban residential area in which it sits is unlikely to successfully conceal it. Even if it did, it would not overcome the harm I have identified above to the host dwelling.
8. I conclude therefore that the proposed development would unduly harm the character and appearance of the host dwelling and the wider area. It would be contrary to saved policy ENV39 of the Bexley Unitary Development Plan (adopted 2004), policy CS01 of the Bexley Core Strategy (2012) and policy D3 of the London Plan (2021).

Living Conditions of Occupants of 313 Main Road

9. 313 Main Road is the semi-pair of the appeal property. It has a relatively modest-sized rear garden, of about 15m in length, and it has been extended at the rear. The proposed building would be situated very close to the common boundary and would extend for a length of about 8.4 metres and be situated close to that boundary. Whilst there would be a difference in levels and there is boundary treatment in place, I consider that the proposed development would nevertheless be an overbearing presence and would interfere with the reasonable enjoyment of the modest rear garden space available to those neighbours.
10. On this issue, I conclude that the proposal would unduly harm the living conditions of the occupants of 313 Main Road by reason of loss of outlook. It would be contrary to policy D3 of the London Plan (2021) and policies ENV39 and H9 of the Bexley Unitary Development Plan (2004).

Conclusion

11. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas Q.C.

INSPECTOR