



Appeal Decision

Site visit made on 15 March 2022

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/D5120/W/21/3279057
60 Colyers Lane, Erith DA8 3NZ

- 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 & Mrs Patel against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/00599/FUL, dated 25 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is Change of use from dwelling C3 to dental surgery D1, demolition of front porch & erection of new signage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, dental surgeries are now within Class E(e) of the Town & Country Planning (Use Classes) Order 1987 (as amended). The description on the decision notice and appeal form reflects this, and I have considered the appeal on this basis.
3. The application form seeks planning permission and is not an application for advertisement consent, which is a separate consenting process principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Therefore, I have had regard to the signage as being indicative only.
4. The revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021 and the 2021 Housing Delivery Test (HDT) measurement results were published on 14 January 2022. I have given the Council and the Appellant the opportunity to comment upon the implications of these for their cases.

Main Issues

5. The main issues are the effect of the proposed development upon:
 - the supply of housing the in Borough; and,
 - highway safety.

Reasons

Supply of housing

6. I am informed the Council's Strategic Housing Market Assessment Update identifies an annual minimum housing need for 1,657 dwellings to 2030. The appeal site comprises a single storey 2-bedroom dwelling. It is not an unduly spacious plot or dwelling but provides good levels of internal and external front and rear space, providing satisfactory living conditions for any occupiers, contributing positively to local housing stock. The change of use to a dental surgery would result in the loss of the dwelling having the effect of reducing existing housing stock. There is no replacement dwelling proposed to mitigate the loss of the dwelling upon the housing stock.
7. Therefore, for the reasons set out, the proposed development would have a harmful effect upon the supply of housing in the Borough. It would conflict with Policy H8 of the London Plan (2021) (the LP) which requires the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent overall floorspace. It would also conflict with the aims of Policy CS01 of the Bexley Core Strategy (2012) (the BCS) which seeks that housing needs of the existing and future population are met.
8. The Council's first reason for refusal refers to Policy COM5 of the Bexley Council Unitary Development Plan (2004) (the UDP). While referring to dentists' surgeries, it makes specific reference to highway effects, nuisance, and compliance with other UDP policies. Therefore, it is of less relevance to this main issue than the other policies I have mentioned above.

Highway safety

9. The new surgery is intended to operate as a fully private practice offering general and specialist treatment, employing up to 2 dentists and 5 other members of staff. The plans indicate provision for 8 cycle spaces and a single (visitor) off-street car parking space, although with a perpendicular tandem arrangement it might be possible to accommodate two spaces. It is expected that the surgery may have up to 2 patients at any one time and 10 – 15 patients over the course of a day. It is not fully clear how conditions that meet the six tests set out in the Framework could ensure appointments are capped at the level suggested by the appellant. However, I have assessed the proposal on the basis this is possible.
10. The site location has a PTAL rating of 2 (Poor), based upon matters such as access to public transport infrastructure. Cycling and walking to and from the site appears a possible option for those fit or confident enough to manage such a journey. However, this is highly dependent upon the abilities of staff and customers and distances they would be willing to travel. However, no substantive evidence is provided demonstrating the likely journeys of staff and customers.
11. The journey duration to/from the nearest stations does not suggest it is particularly convenient for future customers to access the site using the train. There is a bus stop almost opposite the site and others along Colyers Road, so this might be of some appeal if customers or staff lived near that or a linked route. However, the substantive evidence provided by no means demonstrates that sustainable transport would be a realistic, convenient, or attractive option,

for many. Therefore, it is likely that a significant proportion of journeys to and from the site could be by private car.

12. My visit can only represent a brief snapshot in time. There were sizeable lengths of unrestricted parking on Colyers Lane and surrounding roads and it was not restricted outside the appeal site. It appeared that almost all the unrestricted parking spaces on this section of Colyers Lane up to the nearby pedestrian crossing, and the significant majority of on-street space on neighbouring roads within the vicinity of the appeal site, were occupied. There was a frequent flow of vehicles in both directions past the appeal site.
13. Outside the appeal site and in the immediate vicinity the roads are single carriageway and relatively narrow, so parked cars make it difficult for two vehicles to pass head-on, particularly larger vehicles, even when a bus was not at the stop. The commercial units opposite the site include a takeaway, convenience store and barbers with some parking with accesses onto the highway. These are likely to result in vehicles manoeuvring on and off the highway around the appeal site periodically. The Council's evidence shows 6 vehicle collisions resulting in 8 injuries on an approximately 130m stretch of Colyers Lane outside the appeal site between 2017 – 2020.
14. It is likely a significant proportion of staff and patients would seek to travel to the site by private car and park close by. The staff and patients would be highly likely to result in a marked increase in parking requirements at any one time compared to the existing dwelling, increasing parking stress. The development would also result in a significant increase in the opening of car doors and manoeuvring in and out of spaces each day, compared to the dwelling. Such increased activities would be likely to result in increased potential for vehicular conflict, delays, and obstruction to vehicular traffic, on a relatively narrow section of highway with a recent history of vehicular collisions. Therefore, the development would give rise to conditions prejudicial to highway safety. I see no evidence that planning conditions could sufficiently mitigate the harm I have found.
15. For the reasons set out above the proposed development would result in harmful effects upon highway safety. Therefore, it would conflict with the aims of Policy CS15 of the BCS and Policy G18 of the UDP, which amongst other things, seek to ensure that highways are managed to maintain the safe and free flow of traffic.

Other Matters

16. I have been referred to three examples of other approved dental facilities. Those at Bexley Road and The Nursery were approved in 1985 and 1983 respectively, so significantly pre-date the development plan and the Framework. They would also have been permitted when traffic and parking levels were considerably different to now. Furthermore, the former appears to have been for an extension to an existing surgery within an established local centre. The latter was located on a street that is not a main route through the area, although at my visit it appeared to have been demolished.
17. Being permitted in 2008 the decision at Green Walk is more contemporary but was a continuation of use and pre-dates the Framework, the LP and BCS, and is not located on a main thoroughfare through that area. The nearby Crayford Way appeared of a much greater width, where on street parking may be safer.

Therefore, none of the examples provided are directly comparable to the appeal proposal, which I have considered on its own merits and impacts.

Planning Balance

18. The proposed development would require significant financial investment resulting in a moderate temporary economic benefit during construction and conversion works. Through the employment of up to 7 members of staff, and the potential for staff and customers making linked trips to nearby shops and services, there would be a moderate sustained economic benefit upon completion. The development gains some support from planning policies seeking to ensure adequate access to and provision of such healthcare facilities. There would be some social and community healthcare benefits from the provision of this new facility, in an area undergoing redevelopment and significant anticipated population growth.
19. There are said to be comparatively less dentists' surgeries compared to doctors' surgeries and pharmacies for the population. However, there is not sufficient information provided for me to understand the geographic extent of the catchment area, the distribution of dental facilities within it and nearby, the nature and capacity of the existing surgeries, or that doctors' surgeries and pharmacies are a relevant basis for comparison. Moreover, in-light of the fundamental policy conflicts and harm identified, it also has not been demonstrated that there are no other reasonable more suitable alternative sites, available. Even assuming the need is relatively acute as suggested, the provision of this facility attracts moderate weight in favour of the scheme.
20. I cannot conclude, based upon the accessibility information and absence of information in respect of sustainable technologies, the development would be environmentally beneficial. At best this would be a neutral matter. The changes to the appearance of the dwelling are also a neutral matter in the balance. Given the limited size and nature of the plot and dwelling, the existing residential use cannot be said to make an inefficient use of the site.
21. The proposed development would conflict with policies protecting existing housing, and the loss of this single dwelling to housing stock attracts limited weight. The effects of the proposed development upon highway safety are such that this matter attracts significant weight against the scheme. Therefore, the policy compliance and benefits of the development are significantly outweighed by the harm. Therefore, the appeal should not succeed.

Conclusion

22. The proposed development would be contrary to the development plan taken as a whole. There are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR