



Appeal Decision

Site visit made on 15 March 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 APRIL 2022

Appeal Ref: APP/D5120/D/21/3286022

1 Heath Road, Bexley DA5 2DW

- 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 J Donovan against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/00753/FUL, dated 21 April 2021, was refused by notice dated 30 September 2021.
 - The development proposed is for a new garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form makes reference to land adjacent to 3 Heath Road Bexley as the site address, while the appeal form refers to 1 Heath Road Bexley. The appellants' agent has confirmed the correct address as 1 Heath Road Bexley and I have therefore used this address in the banner heading above.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area.
 - the effect of the proposed development on the living conditions of the occupiers of 1 Heath Road, with particular reference to the quality of external space and outlook.

Reasons

Character and Appearance

4. The appeal site comprises a two-storey detached dwelling which sits in a modest sized plot. The dwelling is set back to the rear of the appeal site with a driveway, parking area and garden occupying its frontage. A white rendered wall with rendered piers, access gates and bars/railings between the piers define the front boundary.
5. The street scene is made of predominantly detached dwellings which face onto Heath Rise, albeit differing in their design and appearance. However, the front gardens are broadly open with uninterrupted views thereof and the dwellings

themselves. This openness creates a pleasant undeveloped buffer and sense of spaciousness in the street scene.

6. Although the proposed garage would use matching materials, its position to the frontage of the site would erode the openness between the dwelling and the site frontage. This would have a discordant and enclosing effect harmful to the street scene. The presence of the front boundary treatment would not mitigate the impact of the garage as the garage's height, including its forward projecting gable roof, would be noticeable above it as well as through the bars/railings between the piers.
7. The appeal scheme also includes a new front boundary wall and railings. Whilst I find its scale, design, length and degree of permeability to be acceptable in the aforementioned context, this would be a neutral matter and the harm the garage would cause would remain. Accordingly, I find conflict with the relevant provisions of Policies H9 and ENV39 of the Bexley Council Unitary Development Plan 2004 (UDP) which, amongst other things, seek to ensure that development is sympathetic to the character and appearance of the area.

Living Conditions

8. Since the appeal building abuts the rear boundary of the plot, the land to its frontage is the main garden area which is also taken up by parking and turning. The area is modest with this function in mind and the proposed garage would take up yet more of the available space. The resulting garden space would not conflict with any adopted quantitative limits but, it would be sited between the existing dwelling, No 1, and the proposed garage. This would create a cramped and restricted garden with limited openness and poor usability and users would feel unacceptably enclosed.
9. The Bexley Residential Design Guide, Design for Living Supplementary Planning Document 2006 (the SPD) states at Principle 3 that where new development abuts existing residential development, to maintain expected levels of outlook the distance between a facing habitable room window should be at least 16 metres to a flank wall.
10. In this case, the proposed garage would be single storey and as such the impact on first floor windows would be limited. The ground floor window which faces the driveway area would also be reasonably separated from the proposed garage. Both main parties agree the closest ground floor window, the living room, would be approximately 8 metres from the proposed garage. This is in conflict with Principle 3 of the SPD, however, the living room has a much larger window than other rooms and is dual aspect. The garage would not therefore create an unacceptable sense of enclosure or loss of outlook to the occupants of No 1.
11. Nonetheless, and for the reasons I have set out, the proposed garage would have a harmful effect upon the living conditions of the occupiers of 1 Heath Road, with particular reference to the quality of external space. The proposal is therefore contrary to the relevant provisions of Policies H6, H7 and ENV39 of the UDP and Policy D6 of the London Plan. These, amongst other things,

address the need for high quality design and to respect the living conditions of residential occupiers.

Other Matters

12. I have had regard to Policies D1 and D4 of the London Plan 2021 and paragraphs 126, 130 and 132 of the National Planning Policy Framework all of which seek to achieve well-designed places. These do not change my findings on the main issues.
13. I note that the garage would provide additional space for the host dwelling, but I have not been provided with any compelling evidence as to why this would be any more than desirable. I would accordingly afford it limited weight.
14. Interested parties have raised concerns about drainage, future use of the proposed garage, noise, vehicle manoeuvring, fumes, and biodiversity. As I am dismissing this appeal there is no need for me to consider these matters further. Concern has also been raised about precedent of decision making. It is planning principle to consider each case on its own merits as I have done here. Any future planning application should also be considered on its own individual merits.

Conclusion

15. The appeal scheme would conflict with the development plan for the reasons I have given. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

N Praine

INSPECTOR