

Appeal Decision

Site visit made on 19 April 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/D5120/W/21/3280686

Land to the rear of 170 Lower Road, Belvedere DA17 6DG

- 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 Singh against the decision of London Borough of Bexley.
 - The application Ref 21/01085/FUL, dated 31 March 2021, was refused by notice dated 1 June 2021.
 - The development proposed is the construction of a new two-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the surrounding area,
 - the effect of the proposed development on the living conditions of occupiers of neighbouring dwellings with regard to outlook and privacy, and
 - whether the proposed development would provide satisfactory living conditions for the future occupiers, with regard to the provision of internal space.

Reasons

Character and Appearance

3. The appeal site forms part of the rear garden of 170 Lower Road. The site has access onto the adjacent road, Poplar Mount, and is at a higher ground level to the properties on Lower Road. It is currently open in nature with a small garage outbuilding and several trees. The surrounding area is residential with semi-detached bungalows on this section of Lower Road and two-storey terraced dwellings on Poplar Mount.
4. The proposed dwelling would follow the general design of the existing properties on Poplar Mount. However, the other properties on this road are terraced dwellings, compared to the detached dwelling proposed. Whilst a detached dwelling in this location would not necessarily result in harm to the streetscene, the proposed form to match that of the existing terraces as a single detached dwelling would appear unusual and incongruous within the streetscene.

5. The stand-alone positioning of the proposed dwelling, disconnected from the existing properties on both Lower Road and Poplar Mount, would give the dwelling an overly prominent appearance which would be out of character with the homogeneous form of development in the streetscene. Its close proximity to the roadside would appear contrary to the pattern of development in the area, where dwellings are generally set back from the highway, and would appear cramped within its surroundings.
6. Therefore, the proposed development would result in harm to the character and appearance of the surrounding area and would conflict with Policies H3, H8 and ENV39 of the Bexley Council Unitary Development Plan (2004), Policies CS01 and CS04 of the Bexley Core Strategy (2012) and Policy D3 of The London Plan (2021). The relevant sections of these policies collectively seek to ensure that new development is compatible with the character and appearance of the area, is of a high standard of design and that the building height, mass and setting enhances the character of the surrounding locality.

Living Conditions of Neighbouring Occupiers

7. The Design for Living Supplementary Planning Document (SPD) (2006) states that where new development abuts existing residential development, the proposal should maintain the existing expected levels of privacy and outlook.
8. Due to the positioning of the proposed dwelling, the rear elevation of the property would sit adjacent to the boundary with 172 Lower Road. Therefore, whilst the proposed development is some distance from the neighbouring dwelling at No.172, the proposed first-floor windows on this rear elevation would provide direct views into the garden of this neighbouring property, as well as the garden of 174 Lower Road.
9. I note that there are some existing trees along this boundary which provide some level of screening, provided that the trees are retained. However, the trees do not provide an impermeable boundary and some views would still be possible, particularly in winter. Therefore, the trees would not provide sufficient screening to prevent the overlooking which would occur from the proposed rear windows.
10. The side of the proposed dwelling would also be adjacent to the host dwelling and garden at 170 Lower Road. Due to its positioning on a higher ground level and the two-storey nature of the dwelling, the proposed dwelling would be significantly greater in height than the host dwelling. Due to this and its close proximity, the proposed development would enclose this neighbouring property resulting in a significant loss of outlook for the occupiers of this dwelling when using their garden and rear windows.
11. For the reasons above, the proposal would not maintain the existing levels of privacy and outlook and would therefore not accord with the SPD.
12. Consequently, the proposed development would harm the living condition of the neighbouring occupiers at 170, 172 and 174 Lower Road and would conflict with Policies H7, H8 and ENV39 of the Bexley Council Unitary Development Plan (2004). The relevant sections of these policies ensure that residential development provides a reasonable degree of privacy and outlook for space within and outside dwellings, is adequately separated from other dwellings and is a high standard of design and layout.

13. Although referenced within the Councils reason for refusal, Policy H3 of the Bexley Council Unitary Development Plan (2004) is not considered relevant to this main issue, as it primarily relates to the character and appearance of the area.

Living Conditions of Future Occupiers

14. The appellant has confirmed that the proposed development is a two-storey dwelling with two bedrooms to be occupied by a maximum of 3 people. The proposed dwelling would have a total internal floor area of 71m². Policy D6 of The London Plan (2021) requires a 2-bedroom, 3-person dwelling over two storeys to have a minimum internal floor area of 70m². Therefore, the proposal would meet this requirement.
15. Therefore, in relation to the provision of internal space, the proposal would provide satisfactory living conditions for the future occupiers and would accord with Policy D6 of The London Plan 2021, as outlined above.

Other Matters

16. It is noted that the proposal would provide one additional family dwelling, in an area which the appellant states there is a shortage, although no evidence has been provided to demonstrate this. Furthermore, the appellant has highlighted that the appeal site is close to services, facilities and transport links and would make effective use of the land. However, even if there is a shortage of housing in the area and the proposal is within a suitable location, the provision of only one new dwelling would not provide sufficient benefit to outweigh the harm that I have identified.
17. The proposed development has received no objections from third parties. However, this is a neutral factor which would not overcome the harm found.

Conclusion

18. Therefore, whilst the proposal would provide satisfactory living conditions in relation to internal space, it has been found that the proposal would harm the character and appearance of the area and the living conditions of neighbouring occupiers. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR