



Appeal Decision

Site visit made on 9 May 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 MAY 2022

Appeal Ref: APP/D5120/W/21/3281478

5-7 Welling High Street, Welling DA16 1TR

- 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 C Longley of the Longley Group against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/00474/FUL, dated 11 February 2021, was refused by notice dated 2 August 2021.
 - The development proposed is described on the application form as 'retention and reconfiguration of the existing ground floor office space including alterations to the front elevation, conversion of the existing first floor and the erection of a new second storey to provide a mixed-use development comprising offices at ground level with 4 x 2-bedroom flats with associated cycle parking and refuse facilities'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development proposed on the character and appearance of the host property and the surrounding area;
 - Whether the proposal would provide for satisfactory living conditions for future occupiers, with particular regard to outlook and light; and
 - The effect of the proposal on the living conditions of the neighbouring occupiers of 3A Welling High Street, with regard to outlook.

Reasons

Character and appearance

3. The appeal site relates to a large two storey building which is used as office accommodation. It is located on the northern side of Welling High Street at the junction with School Lane. 1-3 Welling High Street is to the east and 9 Welling High Street is to the west. There is a three storey apartment block on the opposite side of the road and single storey commercial buildings and a bungalow to the rear accessed off School Lane.
4. The surrounding area is predominantly characterised by two and three storey properties in a variety of sizes and styles. The ground floor levels are used mainly for commercial purposes with flats occupying the upper storeys. Despite

that mixed character, a key feature of neighbouring properties are their pitched roofs and gable ends.

5. The appeal building is of later construction than the properties on either side and its utilitarian design and appearance, including its flat roof, fenestration and materials, do not reflect the architectural style of neighbouring properties or the surrounding area generally. The roof of the building sits at a lower level than the neighbouring properties on either side such that it does not unduly detract from its surroundings.
6. The proposed second storey addition, including its flat roof, fenestration and materials, would reflect the appearance of the existing building and would not detract from it in this respect. However, the flat roof design would accentuate the box-like appearance of the development which would sit uncomfortably against the pitched roofs and traditional appearance of the neighbouring properties. Although the raised height of the building would bring it more into line with the roof heights of the neighbouring properties, that increased height would make the building much more prominent in the street scene which would emphasize the failure of the development to respect the prevailing character of the area.
7. I acknowledge that significant changes have been made to the design of the scheme since the pre-application proposal. However, for the reasons identified above, I find that the development would be incongruous and would detract from the street scene.
8. For the above reasons, I conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. It would conflict with Policies CS01 of the Bexley Core Strategy (2012) (the Core Strategy) and saved Policies H9 and ENV39 of the Bexley Unitary Development Plan (2004) (UDP). Amongst other things, these policies seek to ensure that development is compatible with the character of the existing building and the surrounding area and of an appropriate scale, massing and elevational treatment.
9. The Council has referred to a conflict with the UDP Design and Development Control Guidelines 2. However, as that document relates to house extensions it is of little relevance to this appeal.

Living conditions of future occupiers

10. Each flat would contain two bedrooms which would be located towards the rear of the building. The principal bedrooms would be served by windows to the rear elevation. Those within Flats 2 and 4 would also have windows to the side. These bedrooms would be provided with a satisfactory outlook.
11. The smaller second bedrooms would be served by single windows positioned in the side elevations of the building. The Council's Design for Living Supplementary Planning Document (2006) (SPD) seeks a distance of 16m from habitable room windows to a flank wall in order to achieve expected levels of privacy and outlook. According to the Council, the second bedrooms would have an outlook of little more than 5-6m to the flank walls of the neighbouring properties. The windows to the second bedrooms for Flats 3 and 4 would be high enough to afford reasonably open views over the roofs of the neighbouring outriggers. However, the second bedrooms to Flats 1 and 2 on the first floor

level would have very restricted views of the flank walls of the neighbouring properties on either side creating an uncomfortable sense of enclosure. These bedrooms would not have a satisfactory outlook.

12. The appellant contends that future occupiers would be afforded a reasonable degree of outlook commensurate with local standards. I also note their argument that this is a situation that future occupiers would be buying into. However, the National Planning Policy Framework (the Framework) is clear that development should provide a high standard of amenity for existing and future users, which this development would fail to achieve. Bedrooms are not used solely for sleeping but may be used for other purposes such as work, and the Framework seeks to ensure that developments will function well over the lifetime of the development.
13. Notwithstanding their proximity to the flank walls of the adjacent properties, the second bedroom windows would be of a reasonable size which I consider would provide these rooms with sufficient levels of natural light. That conclusion is supported by the appellant's Daylight and Sunlight Assessment, which found that the natural daylight received by all habitable rooms within the development would meet or exceed the minimum requirements of the relevant BRE Guidelines.
14. For the above reasons, I conclude that the proposal would provide future occupiers with sufficient levels of natural light. As such, in this regard, the proposal would comply with Policy D6 of the London Plan (2021), which, amongst other things, seeks to ensure that development would provide sufficient daylight. However, this does not alter or outweigh my conclusion that the proposal would not provide satisfactory living conditions overall, having regard to outlook from the second bedrooms. Therefore, the proposal would not comply with saved Policy H7 of the UDP, which requires that residential development provides a reasonable degree of outlook for space within and outside dwellings.
15. The Council also finds that the proposal would conflict with saved Policy H6 of the UDP, which requires that new residential development should normally provide adequate useable amenity space on site. The proposed flats would not provide any, but this would be compensated for by the generous internal floor space of the flats which would exceed the minimum floor area requirements set out in Table 3.1 of Policy D6 of the London Plan. As such, I find no conflict with saved UDP Policy H6.

Living conditions of neighbouring occupiers

16. The neighbouring properties, Nos 1-3 are in use as a bar and restaurant at ground floor level with flats above, which appear to be 1A and 3A. The flat at No 3A is adjacent to the appeal site and is accessed via a rear staircase close to the site boundary.
17. No 3A contains a window to the side elevation of the rear outrigger which faces directly towards the appeal building. However, this window appears to serve a bathroom, a non-habitable room. There would not be any unacceptable loss of outlook in respect of this window. A window to the rear elevation of the outrigger is unlikely to be adversely affected due to its position relative to the appeal building. No 3A also has a rear dormer window to the main roof slope. Given that the main bulk of the appeal building is set some distance away from

the boundary with the neighbouring property, views from the dormer window towards the development would be at an oblique angle. Therefore, the proposal would not have any significant adverse effect on the outlook from the neighbour's dormer or create an undue sense of enclosure.

18. The Council has concluded that there would be no significant adverse effects on the living conditions of No 9 or the bungalow to the rear of the appeal site. Due to the relationship of the appeal building to these properties, I find no reason to disagree with that conclusion.
19. For these reasons, I consider that the appeal scheme would not harm the living conditions of the occupiers of No 3A, with particular regard to outlook. In this respect, there would be no conflict with saved Policies H9 and ENV39 of the UDP which, amongst other things, seek to protect the amenity of adjoining occupiers, including in relation to outlook.

Other Matters

20. The Council have not raised objections to the proposal on grounds of highway safety, contamination or flood risk and I have no reason to disagree with this assessment based on the evidence before me and my observations on site. However, the absence of harm in relation to these matters is effectively neutral rather than weighing positively in favour of the proposal.

Planning Balance and Conclusion

21. The development would offer limited social and economic benefits in terms of making effective use of land by providing four additional units of residential accommodation on a small site that can help meet housing requirements. The development would also have benefits through employment opportunities created during the construction phase and spending in the local area by future occupants. However, given the modest scale of the development proposed, I attribute limited weight to these matters.
22. I find that the appeal proposal would not be harmful to the living conditions of neighbouring occupiers and future occupiers would enjoy sufficient levels of natural light. However, for the reasons given above, I consider that the proposal would be harmful to the character and appearance of the surrounding area and it would not provide satisfactory living conditions for future occupiers having regard to outlook. I have considered the benefits of the proposal, however, the adverse impacts of the development would significantly outweigh the benefits.
23. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR