



Appeal Decision

Site visit made on 26 May 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal Ref: APP/D5120/W/22/3292076
28 Bellegrove Road, Welling DA16 3PY

- 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 Frank Newbold against the decision of the London Borough of Bexley Council.
 - The application Ref 21/02788/FUL, dated 1 September 2021, was refused by notice dated 14 January 2022.
 - The development proposed is demolition of existing building and erection of part 2/part 3/part 4 storey mixed use building incorporating commercial space (Use Class E) at ground level plus 7 residential units (4 x 1 bedroom and 3 x 2 bedroom) with associated amenity areas, cycle parking and refuse storage facilities.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In their appeal submission the London Borough of Bexley Council (the Council) has confirmed that they are content that details of Cycle Parking submitted by the appellant address their concerns expressed in reason 3 of the decision notice as they have the potential to meet the requirements of policy T5 of the London Plan (2021), and that delivery of suitable cycle parking could be secured by a condition applied to an approval. I am happy to accept this position and have considered the appeal accordingly.

Main Issues

3. The main issues are the effect on:
 - The character and appearance of the local area; and
 - The living conditions of potential residential occupiers with reference to the quality of amenity space for Flat 1.

Reasons

Character and Appearance

4. The appeal property is a corner plot with a two storey end of terrace property with a pitched roof that fronts onto Bellegrove Road, a street made up of properties in a mix of commercial and residential use, with predominantly commercial uses at ground level. The properties in this part of the street are

- predominantly flat roofed two storey terraced buildings, although the neighbouring property at 12 to 26 Bellegrove Road (No's. 12 to 26) is a three storey early 20th century terrace building with a pitched roof and symmetrically placed ornate pediments, with a variety of commercial uses at ground floor with residential above.
5. The rear of the appeal plot currently provides a rear parking and storage area for the construction business that currently occupies the appeal property. This adjoins with a two storey end of terrace house at No.2 Deepdene Road, located on a street made up of similar two storey residential terraces and semi-detached dwellings.
 6. The proposal would result in a predominantly 4 storey building that would have a brick finished 3 storey frontage on Bellegrove Road that would also turn the corner into Deepdene Road. On this road the frontage would step down to 2 stories and then 1 storey where the appeal plot adjoins with No.2. Above each of the frontage elements there would be another flat roofed storey, slightly set back from the main elevation frontages.
 7. Although the proposed building would be significantly taller than the existing building, the proposal would not be taller than the roof of the neighbouring property at No's. 12 to 26. However, the lack of set back at 3rd floor level and the slightly set-back flat roofed 4th floor would result in a bulky and box like appearance. Although the 4th storey would be finished in a grey roof tone this would not satisfactorily mitigate for its bulk and box like massing. Especially when viewed within the context of the corner location and the wider context of two storey properties on both Bellegrove and Deepdene Roads, from where the excessive bulk of the proposal would be prominently visible.
 8. I note that there was an earlier approval¹ for a 3 storey building on the appeal site that was not commenced within the conditioned time period. The design of this previously approved scheme is, however, significantly different to the appeal proposal in terms of bulk and massing, in that it presents significantly lesser bulk than the proposal, by being set back at the 3rd floor level as well as not having a 4th floor. The proposal does, however, set back the footprint of the building and the 1st and 2nd storeys further from No.2 than the approved scheme, which would result in a more successful and softened relationship between the two.
 9. However, on balance, the proposal's overall bulk and poor massing would result in a building that would dominate the existing townscape and street scene and would have an overbearing presence within both Bellegrove and Deepdene Roads. I have therefore given this earlier approval only limited weight in my considerations, as it would have been considered on its own merits and I have done likewise with the proposal.
 10. For the reasons given above I find that the proposal would result in a building that would have an incongruous and dominating appearance that would detract from the townscape and streetscene of the local area and its existing character, particularly in relation to the local two storey houses and the pitched roofed and pedimented neighbouring building at No's. 12 to 26.

¹ Planning Ref: 16/02191/FUL

Living Conditions

11. The proposal is for amenity spaces for each of the proposed flats. The Council have raised concerns with regard to the quality of the proposed north facing ground floor amenity space related to Flat 1. The length of this space would be the full width of the appeal plot and 1.7m in width. Although relatively narrow it would have good length, resulting in a floor area significantly greater than the minimum required standard.
12. The proposed amenity space for Flat 1 would be enclosed by the flank wall of the garage at No.2 and existing and proposed tall boundary treatments. These would have a constraining effect on light and outlook that would feel oppressive, particularly during the autumn and winter months. The corollary of this would be that the proposed degree of enclosure would also provide for privacy and given the northern orientation, a shady cool area in the height of summer.
13. On balance, however, I find that, when its effect on the living conditions of the potential occupiers through the seasons of the year is considered, the width of the proposed amenity space, when combined with its orientation and degree of enclosure would present an unacceptable quality of amenity for the potential occupiers of Flat 1.
14. I find, for the reason given above, that the proposal would result in significant harm to the character and appearance of the local area and slight harm to the living conditions of the potential occupiers of Flat 1. This would be contrary to policies ENV 39, H3 and H8 of the Bexley Unitary Development Plan (2004) (Saved Policies), policy CS01 of the Bexley Core Strategy (2012), policies D3 and D6 of the London Plan (2021) and paragraphs 127 and 130 of the National Planning Policy Framework (2021). These collectively seek to ensure that developments are of a high standard of design and integrate with the local area and create a high standard of amenity for future users.

Conclusion

15. The appeal is dismissed.

Victor Callister

INSPECTOR