



Appeal Decision

Site visit made on 5 July 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/D5120/W/21/3287252

51 Canterbury Avenue, Sidcup DA15 9AY

- 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 Chaudry against the decision of London Borough of Bexley.
 - The application Ref 21/00858/FUL, dated 17 March 2021, was refused by notice dated 27 July 2021.
 - The development proposed is the division of the un-used part of the garden to 51 Canterbury Road, Sidcup to create a 1 bedroom bungalow with off-street parking and amenity space, with an entrance on Blenheim Road, which is on the side of the Canterbury Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area, and
 - whether the proposed development would provide satisfactory living conditions for the future occupiers, with reference to outlook and external amenity space.

Reasons

Character and Appearance

3. The appeal site is currently the rear part of the garden of the property at 51 Canterbury Avenue. It is partially occupied by a long garage with hardstanding and a gated access onto Blenheim Road. The surrounding area is residential in nature with a variety of single storey and two-storey detached and semi-detached dwellings, on generous plots with relatively large rear gardens. This gives a spaciousness to the streetscene and consistent rhythm to the built form.
4. The location and single storey nature of the proposed dwelling would match the style, materials and building line of the neighbouring properties on Blenheim Road as well as having a similar footprint to the existing garage. However, the plot would be much smaller than the surrounding ones and the proposed dwelling would be much narrower than the neighbouring dwellings. This smaller scale, compared to the other surrounding properties, would give the proposed dwelling a cramped and shoehorned appearance which would be an

incongruous addition within the more spacious streetscene, to the detriment of the character and appearance of the surrounding area.

5. Furthermore, whilst similar in height to the neighbouring bungalows, the proposed dwelling would have a much higher eaves height than the surrounding dwellings. This would give the dwelling a bulky appearance which would be overly dominant and inconsistent with the existing streetscene.
6. Consequently, the proposed development would result in harm to the character and appearance of the surrounding area and would conflict with Policies D3 and D4 of The London Plan (2021), Policies CS01 and CS06 of the Bexley Core Strategy (2012) and Policy H8 of the Bexley Council Unitary Development Plan (2004). These policies collectively seek to ensure that new development maintains a good design quality with no adverse effect on the suburban character of the area by positively responding to local distinctiveness through layout, orientation, scale, appearance and shape, with due regard to existing street hierarchy.
7. Policies H6 and H7 of the Bexley Council Unitary Development Plan (2004) are not relevant to this main issue.

Living Conditions

8. Even if I were to take the measurements of the size of the garden from the submitted plans, the resultant garden would be relatively narrow when compared to its length. However, it would still provide a sufficiently large and useable external amenity space which would be adequate for the occupiers of a property of this size.
9. The proposed kitchen would have one side window facing the garden area. Although the Council indicate that the Bexley Design for Living SPD requires at least 16 metres between habitable room windows and a flank wall, I consider that the boundary fence would be ample distance from this window to provide a sufficiently open outlook to the occupiers when using this room. The proposed lounge would be dual aspect with windows on the front elevation and side elevation thereby providing a good level of outlook from this room. The proposed bedroom would also be dual aspect. Although one of these windows would be in close proximity to the side boundary fence, the window on the front elevation would provide a good outlook into the street and would not be significantly impeded by the proposed car parking area.
10. Therefore, the proposed development would provide satisfactory living conditions for the future occupiers and would comply with Policy D6 of The London Plan (2021) and Policies H6 and H7 of the Bexley Council Unitary Development Plan (2004). These policies require residential development to provide adequate usable on-site amenity space, which is practical in terms of its shape and utility, and a reasonable degree of outlook for space within dwellings.

Other Matters

11. It is noted that the proposal would provide one additional dwelling and maximise the density of the site in an accessible location. However, due to the minimal nature of the proposed development, as a 1 bedroom dwelling, this is given limited weight. The proposal also provides sufficient parking provision and would have no adverse impacts on the living conditions of occupiers of

neighbouring properties. However, these are neutral factors in my consideration of the case.

12. The appellant has brought a number of developments to my attention. One of these relates to an extension to an existing dwellinghouse and therefore is not similar to the appeal before me. The other examples are similar in the fact that they relate to a new dwelling seemingly within the curtilage of an existing dwelling. However, the setting of each of these examples is vastly different to the appeal site before me and the development proposed. Therefore, these examples are materially different to the scheme before me and would not set a precedent for allowing the appeal.
13. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity.
14. The appellant has submitted supporting evidence which sets out the specific needs and personal circumstances of the future occupier of the property and the contended justification for the proposed development, and I am satisfied that consideration of the needs of the occupier would fall within the auspices of the PSED.
15. From the evidence before me this attracts moderate weight in favour of the scheme. However, the planning system operates in the wider public interest which has legitimate aims of upholding the purposes of planning policies, in this instance protecting the character and appearance of the surrounding area. The harm I have identified in respect of the main issue outweighs these personal matters and the considerations in favour of the scheme. Dismissing the appeal is therefore, proportionate, necessary and justifiable.

Conclusion

16. Although the proposed development would provide satisfactory living conditions for the future occupiers, the proposal would harm the character and appearance of the surrounding area. Therefore, for the reasons given above, the proposal would conflict with the development plan taken as a whole and there are no other considerations either individually or cumulatively that outweigh this. I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR