



Appeal Decision

Site visit made on 25 August 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/D5120/W/22/3293856

73 Howard Avenue, Bexley DA5 3BA

- 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 S Dillon against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/01597/FUL, dated 14 May 2021, was refused by notice dated 26 August 2021.
 - The development proposed is erection of one x 3 bed dwelling with associated amenity space and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. I requested access to the neighbouring property of 75 Howard Avenue in order to view the appeal site, and I was able to do so at my visit.
4. Subsequent to the submission of the appeal before me, a separate proposal relating to a 3 bedroom detached dwelling house on the same site was dismissed on appeal¹. Both main parties were given the opportunity to comment on this appeal decision.

Main Issues

5. The main issues are the effect of the proposal on the:
 - Character and appearance of the area; and
 - Living conditions of residents of No 75 with regards to outlook and light.

¹ Appeal Ref: APP/D5120/W/21/3275513

Reasons

Character and Appearance

6. The appeal proposal consists of erecting a detached 2-storey dwelling on the site of a large garage located at the end of the garden of the appeal site. Despite the large footprint of the existing garage, it is viewed as being subservient to the main dwelling due to its limited height and understated appearance.
7. The proposed dwelling would face onto Albany Road, which runs to the side of the appeal site and which dips down to the River Shuttle before rising on the other side of a bridge. On this side of the river, there are no dwellings which face onto Albany Road. Although there are a significant number of buildings located within the long rear gardens of dwellings on Howard Avenue, these are all subsidiary to the host property and are not of a design and height similar to the appeal proposal. Due to the limited scale of the buildings, the length of the rear gardens and the sloping topography, the area to the rear of Howard Avenue has a relatively spacious character.
8. Within this context, the appeal proposal would be a prominent and free-standing building to the rear of the main building line. Due to this prominence and location, the proposed dwelling would be an incongruous feature which would not sit comfortably within the prevailing streetscape. Although the dwelling has been designed to reflect other dwellings in the area, this would not be sufficient to overcome the significant harm arising from its incongruous scale and location.
9. Further to the north, there are dwellings which face onto Albany Road or which project closer to the river. However, these are part of a more comprehensive area of the development on the opposite side of the river, and are distinctly separate from the appeal site. This further area of development does not therefore set a prevailing context which justifies the appeal proposal.
10. I conclude that due to its scale and location, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to policies D3, D6 and CS01 of the Bexley Core Strategy 2012 (the Core Strategy) and policies H3, H8 and ENV39 of the Bexley Unitary Development Plan 2004 (the UDP) which together seek to provide housing of high quality design which is compatible with the character and appearance of the area in which it is located.

Living Conditions

11. The rear elevation of the proposed dwelling would be located in close proximity to the boundary with the rear garden of No 75. Due to its proximity and scale, the proposal would appear as an unacceptably overbearing feature in views from the rear garden. For the same reasons, the proposal would also lead to an unacceptable loss of daylight and sunlight. This unacceptable impact would occur even given the length of the garden at No 75 and the degree of separation from the rear elevation of the dwelling.
12. The proposal would not include windows which face directly onto the garden of No 75, and due to the design and layout of the proposal it would not harm the privacy of neighbouring residents. However, a lack of harm in respect of

privacy would not mitigate the harm I have identified in respect of outlook and light.

13. I conclude that, due to its scale and location, the proposal would lead to significant harm to the living conditions of residents of No 75 in respect of outlook and light. The proposal would therefore be contrary to policies ENV39, H7 and H8 of the UDP which together seek to avoid unacceptable harm to the amenities and environment of neighbouring dwellings. The proposal would also be contrary to the advice of the Council's Design for Living Supplementary Planning Document 2006 with regards to the provision of useable outdoor space.

Other Matters

14. The appellant refers to a planning permission for a dwelling on Hollies Avenue, which is in a similar location in respect of a rear garden and accessway as the appeal site. However, it has not been demonstrated that this is a direct parallel in terms of the massing of the building, the effect on neighbouring property, and the character and appearance of the streetscape. This planning permission does not lead me to a different conclusion in respect of the appeal before me, which I have determined on its specific merits.
15. The appellant refers to benefits of the proposal, including making effective use of land. However, any benefits that would arise are not of sufficient weight to outweigh the significant harm I have identified.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR