



Appeal Decision

Site visit made on 23 August 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 OCTOBER 2022

Appeal Ref: APP/D5120/W/21/3284663

59 Maylands Drive, Sidcup DA14 4SB

- 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 L Saromi against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/01277/FUL, dated 18 April 2021, was refused by notice dated 26 July 2021.
 - The development proposed is described as alterations and extension to form 4 units.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr L Saromi against the decision of the Council of the London Borough of Bexley. This application is the subject of a separate decision.

Preliminary Matters

3. The application form makes reference to Mr L Samori, while the appeal form refers to Mr L Saromi. The appellant's agent has confirmed the correct surname as Saromi and I have therefore used this name in the banner heading above.
4. The appellant has confirmed a drafting error on the second floor of the proposed floor plan, drawing reference 100 F. In this case, Flat 4 is incorrectly labelled as Flat 3. Given both main parties have acknowledged this error, I do not consider that either would be unfairly disadvantaged by me referring to this proposed flat as 'Flat 4' in this appeal decision.

Main Issues

5. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - The living conditions of the future occupants with particular reference to internal floor area, amenity space and outlook;
 - The living conditions of the neighbouring occupants at 57 Maylands Drive with particular reference to outlook and privacy;
 - Highway safety; and
 - The retention of suitable housing stock.

Reasons

Character and Appearance

6. The appeal site comprises one half of a pair of two-storey semi-detached properties located at a prominent corner plot adjacent to a roundabout. The wider street scene is varied featuring two, three and four storey dwellings / blocks of flats, a retail store and a church of modern design.
7. While the local area comprises a diversity of building heights, forms and designs, the appeal property is positioned to the far end of a row of similarly designed and typically well balanced semi-detached two storey properties. The appeal property is read as a component of this row and the properties, being of similar proportions and appearance make a positive contribution to the existing street scene.
8. The proposed development would extend the host building at two storey height to the side and rear with a further single storey rear extension to create 4 flats. The scheme has been reduced in response to a previous unsuccessful application and takes its architectural design cues from the existing building including its window and roof design. I also acknowledge the typical scale and diversity of buildings situated to other sides of the roundabout. However, the two-storey elements would extend a significant width off the side of the host building. This, in combination with the proposed depth to the rear, would harmfully overwhelm and fail to be subservient or compatible with the scale and proportions of the host building and would fail to appropriately assimilate with the wider row of similar semi-detached dwellings.
9. While some, albeit limited, landscaping exists to the boundaries of the appeal site this would not be sufficient to screen the proposed development. Even if it was or conditions were imposed to improve landscaping, there is no mechanism before me to secure the retention of any landscaping in perpetuity.
10. The appellant has also drawn my attention to examples of extensions in other streets away from the appeal site. However, I have not been provided with details of when these were approved or which development plan they were assessed against. From the examples provided, many of these either appear to be subserviently designed or are more modest in width and depth when compared to the host building to which they are attached. Furthermore, in each case, the site surroundings would not be identical to the circumstances at play in this appeal. As such, the examples given of other sites are of limited relevance to my considerations.
11. I therefore find that the development would result in unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with the relevant provisions of Policies ENV39 and H3 of the Bexley Council Unitary Development Plan 2004 (the UDP), Policy CS03 of the Bexley Council Core Strategy 2012 (the Core Strategy), Policies D3 and D4 of the London Plan 2021 (the London Plan) and Paragraphs 127 and 130 of the National Planning Policy Framework (July 2021) (the Framework) all of which, amongst other things, seek to ensure that development is sympathetic to the character and appearance of the area.

Living Conditions Future Occupants

12. Policy D6 of the London Plan states that a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings. Flat 4 of the proposed development would not benefit from any external amenity space and while a Juliette balcony is proposed this would not provide any floor area.
13. Whether or not private outdoor space is absent from development at other sites, the London Plan sets a minimum standard for new development, which is a matter of importance. While the appellant suggests the outdoor space could be redesigned to accommodate a fourth private outdoor space, I have not been provided with evidence that such changes would retain compliance with the outside space standards for the remaining flats. In addition, appeals are normally considered based on the scheme and the plans which were before the Council at the time of their decision, the appeals process is not generally a mechanism to evolve development proposals.
14. The Councils Design for Living Supplementary Planning Document 2006 (the SPD) at principle 3, page 21, states that amenity space in flatted development should provide a minimum of 45% of the plot area. In this case, the Council state that the provision falls short by 4.1%. However, the SPD also states that lower levels may be acceptable where there are alternative recreational and leisure pursuits within walking distance.
15. The Council acknowledges that Footscray Meadows is approximately 310 metres to the east and 220 metres to the south of the application site and I consider this to be within walking distance. On this basis I find no conflict with principle 3 of the SPD. However, the proximity of Footscray Meadows does not negate the need to provide private outdoor space as set out above.
16. Policy D6 of the London Plan sets minimum internal space standards for new dwellings. Flat 4 of the proposed development as a 1-bed 2-person dwelling would therefore be required to provide 50 square meters of internal floorspace.
17. The Council consider the floor area of Flat 4 would be 44 sqm. In contrast the appellant considers the floor area to provide 49.94sqm. Using the submitted plans, which the Council based its decision on, I find the figures to be closer to the appellants calculations. However, Policy D6 sets minimum standards and Flat 4's floor area would fall under, albeit marginally, the threshold set by the policy. This internal space shortfall would result in some very limited harm not determinative on its own to the final outcome of this appeal. As a further note, any suggestion that the existing dwelling fails to comply with current internal space standards has not been clearly substantiated.
18. The bedrooms of Flats 2 and 4 would be served by rooflights. Regardless of outlook from other rooms, future occupiers of these bedrooms should be able to enjoy a reasonable outlook to the external environment and this outlook should go beyond a small vista of the sky. While the appellant suggests rooflights are not uncommon in urban areas, in this case the appellant has not clearly demonstrated that there would be any meaningful outlook from these windows.
19. Permitted development rights for rooflights typically apply to existing dwellings. Particularly as this development proposal is for new dwellings, any suggestion that permitted development rights are of pertinence to my considerations

and/or would justify the proposed bedroom outlook arrangements, has not been robustly substantiated. Additionally, I have not been provided with evidence that compliance with the Building Regulations would afford a reasonable outlook to the future occupiers of these rooms.

20. The proposed development would consequently have a harmful effect on the living conditions of the future occupants with particular reference to internal floor area, amenity space and outlook. The proposal would therefore be contrary to the relevant provisions of Policies H7 and H11 of the UDP, Policy D6 of the London Plan and paragraph 127(f) of the Framework. These policies, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Living Conditions Neighbouring Occupants

21. 57 Maylands Drive sits adjacent to the proposed development. It has a rear garden space that runs alongside the site and the closest rear windows serve a ground floor dining room and first floor bedroom.
22. The development proposal would run both at two storey and single storey beyond the rear wall of No 57. While the two-storey section would be set in from the shared boundary and has been reduced when compared to the previous unsuccessful proposal, it would still run a significant depth beyond the rear wall of No 57. While an area of open gardens would be retained to the rear of the appeal property, the combination of the height, depth, and proximity of the proposed development to the closest windows and garden area of No 57 would cause it to dominate views from No 57. This would create an overbearing impact unacceptably harmful to the outlook enjoyed by the occupants of this neighbouring dwelling.
23. Windows proposed above ground floor facing No 57 would be secondary windows and had this development been acceptable in all other regards conditions controlling glazing and opening could have been imposed. Views from any proposed ground floor windows toward No 57 would be screened by the existing boundary fence.
24. Although other examples of side / rear extensions elsewhere have been submitted by the appellant, I have not been provided with details as to what rationale the Council used to approve these or how close they are to neighbouring habitable room windows, for example. On this basis it is very difficult to make meaningful comparisons to the current appeal proposal. I have therefore considered this appeal on its own individual merits.
25. The proposed development would consequently have a harmful effect on the living conditions of the neighbouring occupants at 57 Maylands Drive with particular reference to outlook. The proposal would therefore be contrary to the relevant provisions of Policies H6 and H7 of the UDP, Policy D6 of the London Plan and paragraph 127(f) of the Framework. These policies, amongst other things, address the need for high quality design therefore respecting the living conditions of neighbouring occupiers.

Highway Safety

26. Since the application was decided, the appellant commissioned a Parking Transport Note (PTN) which includes car parking surveys. These surveys demonstrate considerable street parking capacity within the survey area. The

Council has considered the PTN and accept there would be sufficient on-street car parking capacity to accommodate any additional on-street car parking generated by the proposed development.

27. While not a reason for refusal originally articulated on the Decision Notice, the Council's Highway Planning Appeal Statement suggests, at paragraph 5.5, that the access would be awkward and that parking parallel to the highway is not the preferred or safest method. Further, at application stage, the Highway Authority raised that a levels difference applies between the footway and the front garden. However, the proposed ground floor plan indicates spaces positioned on a near to perpendicular alignment relative to the highway and there is no clear or substantive evidence before me to demonstrate that any change in level would ultimately prejudice safe and practical parking. Thus, it has not been clearly evidenced how the proposed access would be either unduly awkward to navigate or harmful to highway safety.
28. Therefore, it has been satisfactorily demonstrated that the development would be unlikely to lead to any additional parking stress on the surrounding streets, and that there would be no unacceptable risk to highway safety. The proposed development would accord with the relevant provisions of Policy CS15 of the Core Strategy, Policies ENV39 and T17 of the UDP and Policy T6 of the London Plan which, amongst other things, seek to ensure development proposals do not detrimentally impact upon highway safety.

Housing Stock

29. Policy H11 of the UDP states that conversions of an existing dwelling should only take place in a dwelling of at least 110m² gross internal floor area as originally built. The supporting text at paragraph 6.23 explains that this is to protect the stock of small to medium sized dwellings.
30. The existing dwelling is a 3-bed dwelling, and its loss would be compensated by a replacement 3 bed dwelling. The development also offers a 1-bedroom dwelling and two 2-bedroom dwellings in addition to the proposed 3-bedroom dwelling.
31. Given the net gain and range of dwelling sizes that would be delivered, the proposed development would retain a suitable housing stock. The proposal would therefore satisfactorily accord with the relevant provisions of Policy H11 of the UDP which, amongst other things, seeks to retain a stock of small to medium sized dwellings.

Other Matters

32. The development would offer benefits in terms of adding a net increase of 3 additional windfall units to the housing stock and promoting an effective use of land. The dwellings would incorporate both smaller and family sized dwellings to be delivered within an existing urban area. Nevertheless, given the relatively limited quantum of new development under consideration, the cumulative weight attributable to these benefits is moderate.
33. I have found that the development proposed would not be harmful to highway safety and would not prejudice the existing housing stock. Nonetheless, these are neutral matters which neither weigh for or against the development proposal.

34. I have found that the proposal would have unacceptable effects on the character and appearance of the area, the living conditions of the future occupants and the living conditions of the neighbouring occupants. The moderate benefits associated with the proposed development are not sufficient to outweigh the multiple harms I have identified and the conflict with the policies I have referred to above.
35. Finally, the appellant has expressed concerns regarding a lack of communication from the Council during the application process. Whilst this may have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.

Conclusion

36. As such, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR