



Appeal Decision

Site visit made on 7 September 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st October 2022

Appeal Ref: APP/D5120/W/21/3288147

124 Alderney Road, Erith, DA8 2JD

- 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 D Deering against the decision of the London Borough of Bexley.
 - The application, ref. 21/00611/FUL dated 2 February 2021, was refused by notice dated 1 June 2021.
 - The development proposed is described the construction of a detached one bedroom bungalow and alterations to existing property.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The planning application submitted to the Council contained other elements involving the alteration of the existing dwelling at No.124 Alderney Road to remove the front porch. The Council have no objections to these alterations to the existing dwelling with the reasons for refusal based solely upon the construction of the new dwelling to the side of No.124 Alderney Road. I have no reason to take a different view from the Council with regards to the alterations to the existing dwelling. Given that the new dwelling is the only matter in dispute; I shall therefore make my decision on this element only.

Main issues

3. Taking the above into account, the main issues are:
 - The effect of the proposed dwelling upon the character and appearance of the locality;
 - The effect of the proposed dwelling upon the living conditions of current and future occupiers of No.124 Alderney Road, with particular regard to access to light, outlook and visual appearance; and
 - Whether the proposed dwelling provides a suitable parking layout, access and evacuation point appropriate for its occupiers.

Reasons

Character and appearance

4. The appeal property is located to the side garden of No.124 Alderney Road which currently has a garage constructed within the gap between No. 124 and the neighbouring No.126 Alderney Road. Alderney Road is part of a mid-twentieth century housing estate which forms an elongated oval shape which has dwellings to the centre of the elongated oval and around the edges, with curved elements at either ends of the road. The dwellings which make up Alderney Road appear to date from the mid-twentieth century and consist of two storey semi-detached dwellings which have a regimented position along the road with similar setbacks and spacing in and around the dwellings.
5. Dwellings are constructed of brick and are quite functional in design with main components being hipped and pitched and gabled roofs. A number of dwellings along this side of the road have a single garage to the side and setbacks from the front boundary to facilitate front gardens and larger rear gardens. Gaps between properties are important to the spaces in and around dwellings and the homogenous layout where views are obtained to well vegetated rear gardens which reinforces positive elements to the street scene. The gaps between dwellings have a tranquil residential use which assists in reinforcing the spaces in and around the dwellings. Boundary treatments consists of low front boundary walls with minimal openings, some of which have been provided to serve each dwelling separately. To me, this spacious character and open aspect helps to inform the local character, distinctiveness and appearance of the area.
6. When undertaking development, the London Borough of Bexley Unitary Development Plan (UDP) saved Policy H3 specifies a number of design criteria to take into consideration, such as being compatible to the area, the layout, scale, massing, and the spaces in and around buildings, amongst others. UDP saved Policy H8 is specific to infill developments and seeks development provide safe and adequate access, and not cause adverse effects to the character of the area, amongst others. The London Borough of Bexley Core Strategy (CS) Policy CS01 is a strategic policy related to achieving sustainable development, where subsections h) and i) relate to maintaining and improving the best elements of Bexley's suburban character and ensuring that height, massing, and setting enhances the character of the surrounding locality. CS Policy CS04 is directly related to the Erith Geographic region and seeks that development protect the strong character, and are of high quality that improves the quality of the built environment. London Plan (LP) Policy D3 seeks that all development in London is design-led by appreciating elements such as context, character and responding to local distinctiveness.
7. The proposed dwelling is setback from the street and the inherent building line which follows the curvature of the road and has a single storey appearance with main gable facing towards the street with a small front garden and parking space provided by a narrow vehicular access. The proposed development would introduce a form of built form to the side of the plot which has little relationship to the form and character and appearance of the street scene. The development would intensify the use of the gap between the dwellings with a separate residential use and propose a dwelling which has a poor relationship within the street scene in that the positioning, use or design of the dwelling is not consistent with the character appearance and local distinctiveness of the

surrounding locality. Whilst other dwellings along the street have a front boundary wall, the front of the proposed dwelling is dominated by vehicular access, and although a front garden is provided, it has an awkward position which is not as active in the street scene as surrounding dwellings. The access also presents a poor appearance where the main façade of the dwelling is dominated by hard surfacing and vehicular parking.

8. The proposal would not adhere to the spacious quality of the area and would be experienced as a cramped development that intrudes into the open and tranquil aspect of gaps in between dwellings along Alderney Road. When combined with the minimal setback from the proposed side boundaries, the appeal scheme would also be at odds with the development surrounding. As such, the proposed scheme would be cramped and incongruous to its locality.
9. The appellant in their Statement of Case (SoC) mentions that the proposal has been designed as a single storey in order to be subservient and not visually dominant, allowing the neighbouring built forms to dominate. Whilst this may be the case, the proposal would not represent an appropriate form of housing given the consideration against policies related to character, design and appearance.
10. Given my above reasoning, the proposed scheme would cause significant harm towards the character and appearance of the area. The scheme would therefore be contrary to the UDP saved policies H3 and H8, CS Policies CS01 and CS04, and LP Policy D3, as described previously.

Living Conditions

11. Saved UDP Policy ENV39 contains a number of criterion which seeks to protect and enhance the quality of the built environment, by seeking development which would not prejudice the living conditions of adjacent occupiers. Additionally saved UDP Policy H8 as detailed above specifically relates to infill development and requires consideration of the living conditions of adjacent occupiers.
12. The proposed dwelling would result in the reduction in width and size of the rear and side gardens of No.124. Whilst there is a small separation distance from the boundary, according to the Council's calculations, the building would have a depth of 11.8 metres x 4.5 metres in overall height and would be experienced by No.124 along the majority of the side boundary of the rear garden space. I appreciate that the rear garden is large in terms of width and depth, however the amount of built form along the side boundary would have a significant and overbearing effect on the enjoyment of the rear garden by occupiers of No.124.
13. With regards to access to light, given the direction of the sun at this location, much of the shadow from the proposed dwelling would occur to the garden of No.124 in the morning. Whilst there would be an increase in overshadowing caused by the proposed development, No.124 would still receive an adequate amount of sunlight, and therefore I do not consider that the development would cause significant adverse impacts to living conditions as a result of overshadowing.
14. Consequently, and in conclusion of this matter, when taken as a whole, whilst I have agreed with the appellant with regards to access to light, this does not overcome the significant adverse impact toward the living conditions of No.124 Alderney Road as a result of the visual appearance and perceived sense of

enclosure. As such, the proposed scheme would be contrary to UPD Saved Policies H8 and ENV39 as described previously.

Parking layout and access

15. LP Policy D5 is centred on Inclusive Design which seeks that new development is designed to cater for the needs of the diverse population. Additionally, LP Policy D12 seeks that new development is designed in the interests of fire safety, ensuring that there is safe access for evacuation.
16. The proposed dwelling would have its sole access from a narrow driveway to the front of the property to the road which ranges in width from 2.52 metres to 2.4 metres. In order for the proposed occupants to park their vehicle, they would come very close to the corner of the dwelling of No.124, which it is proposed to have the porch removed to give an additional few centimetres. At its best the proposed layout is quite poor in that the layout of the access is narrow and restrictive, and requires reliance on the neighbouring property, which would be required to be kept clear of obstacles.
17. The proposed access is long and would enable the off street parking of two vehicles. The parking of two vehicles on the property would cause problems for evacuation as the access would become restrictive from obstacles, making convenient and safe evacuation difficult, particularly if any of the occupants have mobility impairments.
18. Consequently, it has not been demonstrated that the parking layout is acceptable and that the proposal would provide appropriate access and evacuation for its occupiers. As such, the proposal would be contrary to LP Policies D5 and D12, as discussed previously.

Other Matters

19. I note that the National Planning Policy Framework (the Framework) encourages the development of small sites and making effective use of urban land. The proposal would also provide an increase in light to surrounding occupiers; deliver a further dwelling which would make a modest contribution to meeting housing need; as well as result in short term employment opportunities in the construction of the dwelling; cycle parking and the socio-economic contribution to local expenditure from future occupiers. These factors weigh in favour of the development, however does not outweigh the harm that I have identified.
20. The Council in their Appeal Statement has submitted commentary and a consultation response from the Environment Agency who have objected to a subsequent application on the site for a one bedroom dwelling¹. According to the submission, the Flood Risk Assessment submitted does not conform to the requirements of the Framework and the Council have asked me to consider this matter in addition to the reasons for refusal. Given that the appeal has failed on three matters of character and appearance, living conditions and parking layout, without prejudice, I have chosen not to visit this matter. Additionally, the appellant has not been given the opportunity to comment upon this additional information and it would not be acceptable to accept such information when considering this request against the 'Wheatcroft Principles.'²

¹ Bexley Planning Ref: 21/02871/FUL

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Conclusion

21. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR