



Appeal Decision

Site visit made on 10 February 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 MARCH 2023

Appeal Ref: APP/D5120/W/22/3302082

16 Wyatt Road, Crayford, Dartford DA1 4SP

- 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 & Mrs Main against the decision of London Borough of Bexley.
 - The application Ref 21/00696/FUL, dated 3 March 2021, was refused by notice dated 11 March 2022.
 - The development proposed is a pair of semi-detached properties.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether or not the proposed development would provide acceptable living conditions for future occupants, 2) the effect of the proposed development on the character and appearance of the area, 3) the effect of the proposed development on the living conditions of the occupants of nearby residential properties, and 4) the effect of the proposed development on highway safety with regard to parking.

Reasons

Living conditions – future occupants

3. Policy D6 of the London Plan (2021) outlines, amongst other things, that housing development should be of high-quality design and provide adequately-sized rooms. Housing developments are required to meet the minimum standards. The policy outlines that a single bedroom should measure at least 7.5sqm in area, and a double bedroom should measure at least 11.5 sqm in area. It is further outlined in Table 3.1 of the policy that for a 2 bed, three person dwelling of two storeys, the overall minimum gross internal floor area should measure 70sqm, and for a 3 bed, four person dwelling of two storeys, the overall minimum gross internal floor area should measure 84sqm.
4. For plot 1, the evidence states that this is a three-bedroom, four-person unit and would have a gross internal floor area of approximately 60.46sqm. The bedroom sizes would be 11.28sqm, 5.99sqm and 5.86sqm. For plot 2, the evidence states that this is a two-bedroom, three-person unit and would have a gross internal floor area of approximately 59.25sqm. The bedroom sizes would be 14.40sqm and 10.22sqm.
5. Considering the development against the requirements of Policy D6 as outlined above, plot 1 would fail to meet all minimum requirements, albeit the

discrepancy for the largest bedroom is relatively minor. Plot 2 would comply with the requirements of the policy in terms of bedrooms size but would fail to meet the minimum gross internal floor area required for the dwelling as a whole.

6. The failure to comply with the minimum internal space standards required would create cramped accommodation that would provide unacceptable living conditions for future occupants.
7. In terms of outlook, the Council highlight that the rear elevation of plot 2 would be approximately 2.8m from the proposed rear boundary of the property. Although no details are provided in terms of boundary treatment, I accept, as the Council suggest, in the interests of privacy it would be highly likely that such a rear boundary treatment would be typically of a high nature and thus being in such close proximity to the rear ground floor windows would provide an unacceptable sense of enclosure and an unacceptable outlook for future occupants.
8. I therefore find that the proposed development would not provide acceptable living conditions for future occupants in terms of size and outlook. The proposed development would therefore be contrary to Policy D6 of the London Plan (2021) and Policy H7 of the Bexley Unitary Development Plan (2004) which seek to ensure acceptable living conditions are created in new residential developments in relation to unit size and outlook, amongst other things. The development would also be contrary to the Housing Supplementary Planning Document (SPD) (2016) in terms of ensuring the creation of quality residential accommodation.

Character and appearance

9. The appeal site is located in a purpose-built residential area which predominantly comprises of two-storey properties. The siting of most properties follows a clearly defined layout with regular spaces between dwellings that is largely made up of gardens and garages.
10. It is not clear if the appeal site was originally intended to be garden space to serve properties to the side, however the current arrangement has severed the site so that it appears as a separate parcel of land. It has a relatively wide frontage onto the street, although this narrows significantly to the rear, giving the site a notable triangular shape.
11. The proposed development whereby 2no. two-storey dwellings are proposed to be accommodated on the site would, given its overall shape and size, appear cramped and squeezed onto the site, particularly when compared to the relatively spacious and well-laid out character of the surrounding built development. The confined nature of the proposed arrangement is borne out in the particularly small and irregularly shaped rear gardens that would be provided. These also would be out of character with the relatively good levels of private amenity space provision in surrounding properties in terms of overall size and shape.
12. The constrained arrangement is also demonstrated through the close proximity of the proposed dwellings to the existing dwellings that surround the appeal site. This arrangement would run counter to the relatively well spaced-out arrangement of the existing properties in the surrounding area.

13. The proposed development would therefore be harmful to the character and appearance of the area. Accordingly, it would be contrary to Policies ENV39, H3 and H8 of the Bexley Unitary Development Plan (2004) and Policy D3 of the London Plan (2021). These policies require, amongst other things, that residential development in residential areas should be compatible with the character or appearance of the area having regard to the layout and the spaces around buildings, and that development is of high-quality design responding to the existing character of a place and its valued features and characteristics.

Living conditions – existing residential properties

14. The Council's undisputed evidence outlines that the proposed development would be 10m from the first-floor rear elevation of 14 Wyatt Road which sits adjacent to the appeal site, and 14m from the rear elevation of properties on Walker Close which are to the west of the appeal site. The Council's Design for Living SPD (2006) outlines that new development should ensure that the distance between facing habitable room windows is at least 22 metres and that there are 16 metres from habitable room windows to a flank wall.
15. Due to its size, scale and siting, the proposed development would adversely impact upon the outlook from surrounding residential properties. When taking into account the window positions of the proposed development, there would be harm caused to the existing levels of privacy currently enjoyed by the occupants of surrounding properties, although I acknowledge that in many residential areas mutual overlooking of garden areas is commonplace.
16. Being located to the south of no. 14 Wyatt Road and with the appeal site sitting on a slightly higher level, due to its overall size scale and siting, the proposed development would cause a level of overshadowing and a loss of daylight and sunlight. Although this would be for only a certain part of the day, it nevertheless weighs against the proposed development.
17. The proposed development would therefore have a harmful impact on the living conditions of the occupants of surrounding residential properties. It would be contrary to Policies ENV39, H3, H7 and H8 of the Bexley Unitary Development Plan (2004) which, amongst other things, seek to protect the living conditions of residential properties including by ensuring proposed dwellings are adequately separated from other dwellings in terms of their amenities. The development would also be contrary to guidance contained within the Design for Living SPD (2006) which outlines, amongst other things, that where new development abuts existing residential development, new development should maintain the existing expected levels of privacy and outlook.

Highway safety

18. The Council's concerns in relation to highway safety are in relation to insufficient information having been submitted to demonstrate whether suitable parking and access arrangements will be provided. The Council consider that the absence of such information would be likely to give rise to conditions that would be prejudicial to highway safety.
19. The appellant considers that having regard to the lack of parking restrictions on the surrounding roads, the matter could be dealt with through the imposition of pre-commencement planning conditions to provide parking details at the frontage of the development.

20. It is not suggested by the appellant that no off-street parking spaces are intended to be provided, yet they have also not provided any certainty that sufficient space is available to the front of the proposed properties to accommodate the intended parking spaces. For this reason, it would not be appropriate to impose a planning condition on the matter.
21. I observed on my site visit that the surrounding roads did not have parking restrictions in place. A small number of vehicles were parked on the street, and this did not appear to be causing harm to highway safety.
22. Nevertheless, the lack of clarity and certainty on the provision of parking and access arrangements as it relates to the matter of highway safety weighs against the proposed development and thereby conflicts with the aims of Policy G18 of the Bexley Unitary Development Plan (2004) and Policy CS15 of the Bexley Core Strategy (2012) to ensure the effective management of the highway network.

Other Matters

23. The appellant has commented that the Council have not met the Housing Delivery Test. Based on the evidence before me, I cannot be certain that this represents the delivery of housing being substantially below (less than 75% of) the housing requirement over the previous three years as is required for the scheme to benefit from the presumption in favour of sustainable development.
24. Even if paragraph 11d) of the National Planning Policy Framework (the Framework) (2021) is engaged, the adverse impacts of the proposal in terms of the failure to provide acceptable living conditions for future occupants and the harm to the character and appearance of the area, and the living conditions of existing occupants of nearby residential properties, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, which include a requirement for development to provide a high standard of amenity for existing and future users, are visually attractive as a result of good architecture and layout including being sympathetic to local character, including the surrounding built environment and establish a strong sense of place, using the arrangement of streets and spaces to create attractive, welcoming and distinctive places to live.
25. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.
26. Although not within their reasons for refusal, the Council have outlined how the proposed dwellings have failed to demonstrate they provide acceptable ceiling heights, accessibility for all, and compliance with fire safety standards as set out. As I have dismissed the appeal for other reasons it is not necessary to consider these matters further as this would not have changed the outcome of the appeal.

Planning Balance and Conclusion

27. The Government's objective as set out in the Framework is to support sustainable housing growth. The proposed development would result in a small increase in the Council's overall housing number and would be in a sustainable location. It would also bring a number of additional residents to the area who would contribute to the local economy. Collectively, I give these matters moderate weight in favour of the proposed development.

28. However, the failure to provide acceptable living conditions for future occupants and the cumulative harm that the proposed development would have on the character and appearance of the area and the living conditions of occupants of existing residential properties attracts significant weight that outweighs the benefits associated with the proposed development.
29. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
30. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR