



Appeal Decision

Site visit made on 9 February 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MARCH 2023

Appeal Ref: APP/D5120/W/22/3308451

14 Elm Road, Bexley, Sidcup DA14 6AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mrs Jegede against London Borough of Bexley.
- The application Ref 22/01145/FUL, is dated 2 May 2022.
- The development proposed is a part single storey side and part two storey rear extension, roof alteration with rear dormer with rear and side roof lights, together with the conversion of 8-bedroom sui generis use class into C3 use class, 4 self-contained flats with associated refuse storage, bicycle storage, landscaping and 2 car parking spaces.

Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The Council have commented that had they determined the application they would have refused planning permission for the development as they consider that it would; fail to respect the character and appearance of the host building or its context within 'The Green' Conservation Area; cause an unacceptable overbearing impact and feeling of enclosure impacting on the rear habitable basement window, and rear amenity space, of 16 Elm Road; in terms of Flats 1 and 4, have an unacceptably constrained outlook, and therefore fail to provide a suitable standard of occupation for future occupiers; and, cause a hazard to pedestrian, cyclist and other vehicle safety.
3. The Council have commented that they would also have refused planning permission as there was insufficient information in relation to the side elevation to make a full and accurate assessment. As I have dismissed the appeal for other reasons, it has not been necessary to consider this matter further or to request an amended drawing from the appellant.

Main Issues

4. The main issues in the appeal are therefore 1) whether or not the proposed development would preserve or enhance the character and appearance of The Green Conservation Area (TGCA), 2) the effect of the proposed development on the living conditions of occupants of 16 Elm Road in terms of outlook, 3) whether or not the proposed development provides acceptable living conditions for future occupants with specific regard to outlook, and 4) the effect of the proposed development on highway safety.

Reasons

Character and appearance of the TGCA

5. The appeal property is a handsome two storey semi-detached property. It has a prominent bay window to the ground floor and distinctive fenestration with curved upper sections and surrounds. It also includes decorative string courses of brickwork to the front elevation. It is located on Elm Road which is a busy single carriageway that leads towards Sidcup High Street in a northerly direction and to the A20 Sidcup by-pass in a southerly direction.
6. The property is located within The Green Conservation Area (TGCA) which is characterised as comprising many historic residential properties focused around the central feature of Sidcup Green and the grand buildings of Sidcup Manor House and Sidcup Place. The property has an existing garage and lean-to extension to the side. Although these have been linked, their different styles and sizes allow them to appear independent. They are set back notably from the front building line of the property and appear distinctly subordinate and subservient to the main part of the building.
7. The property has a relatively large hardstanding area to the front that allows some off-street parking. There is also a small, grassed area and refuse storage containers appear to be kept along the boundary with no. 16 Elm Road, which sits forward of the appeal property. To the rear is a relatively large garden area with some substantial trees and a low-level boundary treatment.
8. The proposed extension to the side of the property would be significantly more dominant than the existing arrangement to the side, which as I have identified, appears as two separate additions given that the link between them is not apparent from the street. The proposed side extension would be significantly greater in size and scale and would be sited further forward than the existing garage and lean-to. Although it would be a similar width, due to its overall size, scale, and siting, it would dilute the significance of the main body of the property, appearing less of a subordinate feature, and more of a competing feature.
9. At the rear, the proposed development comprises a part single storey, part two storey extension. There is also a dormer window proposed in the rear roof-slope and a roof terrace with 1.7m high timber screen. The single storey part of the extension adjacent to the boundary with no. 12 Elm Road includes a lean-to roof. The two-storey section incorporates a gable roof whilst the single storey part of the extension adjacent to no. 16 Elm Road is a flat roof on which the roof terrace and screening is proposed.
10. At the rear, the significant contrast in styles gives little overall cohesion and the development appears rather haphazard and disjointed. Although much of the fenestration successfully continues the arrangement used elsewhere, the French doors, particularly those closest to no. 12 Elm Road, appear misaligned and in contrast to the ordered arrangement used elsewhere.
11. The roof terrace with 1.7m high timber screen would also appear highly prominent in this elevated position and would harmfully contrast with the brickwork and roofing arrangement of the extension. Due to its design and materials, it would appear as an incongruous and alien feature in this elevated position.

12. The proposed development would therefore cause harm to, and thereby fail to preserve or enhance the character and appearance of the TGCA. It would be contrary to Policies ENV39 and ENV46 of the Bexley Unitary Development Plan (2004) and Policy HC1 of the London Plan (2021). These policies require, amongst other things, that developments in conversation areas preserve or enhance their character and appearance.

Living conditions – 16 Elm Road

13. The appeal property sits adjacent to 16 Elm Road which has been subdivided into two flats. One of these flats is located at the basement level. The Council's concerns as they relate to living conditions of existing residents are confined to the single storey rear extension close to the boundary with 16 Elm Road. I have therefore confined my consideration, in relation to living conditions, to this element of the proposed development.
14. The proposed single storey extension, in place of the existing garage, would project 7.1m further than the rear elevation of 16 Elm Road. There is also a significant difference in land levels between the appeal site and 16 Elm Road, with the latter sitting lower than the appeal site.
15. Due to the combination of the height and projection of the extension, and the difference in land levels, the proposed single storey rear extension would appear overbearing and dominant when viewed from the rear of the basement flat. I acknowledge that there is an existing garage closer to the boundary than the proposed extension, however this does not project as far as the proposed extension, and it is lower in height.
16. I therefore conclude that the single storey rear extension situated close to the boundary with 16 Elm Road, would have an unacceptable impact on the living conditions of that property in terms of outlook. It would be contrary to Policies ENV39 of the Bexley Unitary Development Plan (2004) and Policy D4 of the London Plan (2021). These policies require, amongst other things, that developments do not prejudice the environment of the occupiers of adjacent property.

Living conditions – future occupants

17. The Council's concerns in terms of the living conditions of future occupants relates to flats 1 and 4.
18. Flat 1 is a proposed one-bedroom unit located on the ground floor. It comprises a lounge/kitchen/diner which includes proposed full length French doors leading to a decking area, rooflights and a Parans fibre optic daylighting system. A combination of these features would ensure adequate levels of daylight and sunlight.
19. The Council's concerns focus on the outlook from the bedroom and the main living area which they consider is unacceptable due to the need to fence a proposed area of private amenity space. I observed that the property has a large communal garden to the rear. It is not uncommon in flatted developments for a small private area of amenity space to be delineated from the communal space. Given that the communal space would be semi-private I do not share the Council's view that there would somehow be a requirement to have a high boundary fence to the private amenity area. Had I allowed the appeal and granted planning permission, I consider that the matter of

- boundary treatments in this case, to ensure acceptable levels of outlook, could have been addressed through an appropriately worded planning condition.
20. The Council have referred to the single-aspect nature of the unit, which would be westerly facing. I acknowledge that there would be conflict with the requirement to provide dual-aspect dwellings. In this case however the westerly facing nature, combined with the windows to the main living room area, the living conditions would not be unacceptable for this reason.
21. In terms of flat 4 the Council have referred to a similar matter in relation to boundary treatments as with flat 1 and the implications for outlook. As with my consideration of the implications for flat 1, I consider that had I allowed the appeal and granted planning permission, this matter could have been addressed by a suitably worded planning condition to ensure that acceptable outlook was provided.
22. Flat 4 is a proposed two-bedroom unit. The larger bedroom with ensuite is assumed to be the main bedroom and this would be situated at the front of the property with an outlook to the street. The main living area would be to the rear and with acceptable outlook being secured through the aforementioned planning condition regarding boundary treatment, the outlook from this room would be across the private decking onto the communal garden.
23. Bedroom 2, which is the smaller bedroom, is proposed to have a window on the side elevation that would be obscurely glazed. This room would also have a Parans fibre optic daylighting system. Although acceptable levels of light would be provided, I agree that this room would not have an acceptable outlook. However, when taken in the context of the property as a whole, and acknowledging the room as the second of two bedrooms, I do not consider that there would be unacceptable living conditions to the unit as a whole created as a result.
24. I therefore find that the proposed development would provide acceptable living conditions for future occupants. Although there would be a minor conflict with the policy requirement for dual-aspect dwellings, the development would comply with Policy H7 of the Bexley Unitary Development Plan (2004) and Policy D6 of the London Plan (2021). These policies require, amongst other things, that residential development should provide a reasonable degree of outlook and be of good quality.

Highway safety

25. The appeal property has an existing hardstanding area to the front that is used for the parking of vehicles. This is accessed directly from Elm Road which is a designated London Distributor Road.
26. The proposed site plan shows that there would be two off-street parking spaces provided to the front of the property. These would be for the use of occupants of flats 2 and 4 only. The Council have outlined that it is a requirement for accesses onto London Distributor Roads, such as Elm Road, to have sufficient space within the property to allow vehicles to turn around within the site to both leave and re-join the highway in a forward direction.
27. The appellant has submitted tracking to show how the spaces could be accessed. The Council however highlight that these have been undertaken using a vehicle of only 4.2m in length with even this shown to overrun into the

footpath to make an appropriate manoeuvre. There is no analysis of how cars greater than 4.2m in length would adequately access and egress the site in a forward direction.

28. On the basis of the evidence before me, I am not convinced that the proposed parking arrangement can be successfully accommodated without increasing the risk of conflict between vehicles and cyclists and pedestrians and thus being prejudicial to highway safety.
29. The proposed development would therefore conflict with the requirements of Policies T16 and G18 of the Bexley Unitary Development Plan (2004) and Policy CS15 of the Bexley Core Strategy (2012) to reduce the risk of accidents and to ensure the effective management of the highway network.

Other Matters

30. The appellant has submitted correspondences in relation to the Council's handling of their planning application. It is understandable that any lengthy delays in terms of determination or receiving feedback would cause frustration. There are however separate avenues for pursuing such matters and they are not reasons to allow the appeal which is determined on land use planning matters.

Planning Balance and Conclusion

31. The Government's objective as set out in the National Planning Policy Framework (2021) (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.
32. Having regard to paragraph 202 of the Framework, I find that as the proposed development would affect a limited part of the conservation area, the harm to the TGCA is relatively localised, and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. I do not, however, find that this harm is outweighed by the provision of the proposed residential properties in a highly accessible location or any other public benefits of the proposed development.
33. Furthermore, when combined with the harm that the proposed development would have on the living conditions of occupants of no 16 Elm Road, and the failure to demonstrate safe operation of the proposed parking arrangements, this attracts significant weight that outweighs the benefits associated with the proposed development.
34. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
35. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed, and planning permission refused.

A M Nilsson

INSPECTOR