



Appeal Decision

Site visit made on 21 February 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2023

Appeal Ref: APP/D5120/W/22/3309461

93 Barnehurst Avenue, Bexley, Bexleyheath DA7 6QD

- 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 M Mullins of Sunmill Limited against the decision of the Council of the London Borough of Bexley.
 - The application Ref 22/00426/FUL, dated 11 February 2022, was refused by notice dated 14 July 2022.
 - The development proposed is demolition of existing dwelling, erection of two storey building with part basement and roofspace accommodation to provide five flats (two 1 bed and three 2 bed). Associated access, parking, bin/cycle storage and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling, erection of two storey building with part basement and roofspace accommodation to provide five flats (two 1 bed and three 2 bed) and associated access, parking, bin/cycle storage and landscaping at 93 Barnehurst Avenue, Bexley, Bexleyheath DA7 6QD, in accordance with the terms of the application, Ref 22/00426/FUL, dated 11 February 2022 and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the development on the living conditions of future occupiers of (i) units 3, 4 and 5 with regard to the provision of outdoor private amenity space, and (ii) unit 5 with regard to outlook.

Reasons

Outdoor private amenity space

3. The appeal site lies within a residential area and contains a mix of dwelling types. Like most properties on this side of the road, the appeal property has a good sized rear garden, which slopes down to the rear and is enclosed by fencing.
4. The proposed development provides private outdoor amenity space for units 1 and 2, which would be adjacent to the building. An area of communal outdoor amenity space is proposed for units 3, 4 and 5, which far exceeds the standards set out within Policy D6 the London Plan (LP) 2021 and the London Plan Housing Supplementary Planning Guidance (SPG) 2016. The proposal would provide a communal garden of a good size and quality, which would be well related to the building. It would also be sufficiently private, as it would

only be used by 3 properties and would provide a more usable area than if it were subdivided for each unit.

5. In addition, the appeal site is within close proximity of a children's play area and public open space/recreation grounds. Future residents would have good access to outdoor recreation open space.
6. I conclude that the proposed development would provide adequate outdoor private amenity space for future residents and would comply with saved Policy H6 of the Unitary Development Plan (UDP) 2004 and Policy D6 of the LP, which require that an adequate amount of outdoor private amenity space is provided. It would also comply with Bexley's Design for Living Supplementary Planning Document (SPD) 2006 and the SPG, which require the provision of good quality outdoor amenity space.

Living conditions

7. Bedroom 2 of Unit 5 would be served by a large rooflight. Given the size of the rooflight and its height above floor level, future residents would have a reasonable outlook from this window of the sky and street. Overall, outlook for this unit would be good.
8. I conclude that the proposed development would provide adequate living conditions for future residents of unit 5 in respect to outlook. The proposal would comply with saved Policy H7 of the UDP, which requires that new developments provide a reasonable outlook for future occupants. Furthermore, it would comply with the SPD, which seeks to orientate habitable rooms to maximise their outlook and view.

Other Matters

9. Concerns have been raised by third parties in respect of matters not addressed above, including effects on character and appearance, intensification of use, and loss of privacy. These matters have not been raised as reasons for refusal by the Council and there is no technical evidence before me to reach a contrary conclusion.
10. Ownership matters are a private issue between the relevant parties and not within my jurisdiction.

Conditions

11. In addition to the standard time limit condition, in the interests of certainty, I have included a condition specifying the approved plans. In order to protect the character and appearance of the area, I have imposed an external materials condition. Conditions requiring details of hard surfacing and surface water drainage are necessary to ensure sustainable drainage is provided. In the interests of highway safety, parking and sustainability, conditions are imposed regarding visibility splays, cycle parking and water efficiency. To provide accessible and adaptable units, a condition requiring compliance with M4(2) of the Building Regulations is necessary.
12. In the interests of crime prevention, a condition requiring adherence with Secure by Design standards is required. A condition regarding contaminated land is necessary in order to minimise risks to human health and the environment. A condition requiring obscure glazing of the windows in the flank

elevations is imposed to protect the living conditions of adjoining occupiers. In order to protect the character and appearance of the area and the living conditions of neighbouring residents/future occupants, details of refuse storage are required. Details of biodiversity enhancement measures are required, to improve biodiversity.

13. A condition restricting parking permits for future occupants is not considered necessary given the parking provided on site and the lack of evidence that this would result in undue parking pressure in the locality.

Conclusion

14. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20-10_S00: Site Location Plan; 20-10_S01: Existing Site Plan; 20-10_E01: Existing Elevations; 20-10_P01: Existing Floor Plans; S01/A: Proposed Site Plan; 20-10_X01: Proposed Section; E01/A: Proposed Elevations; P01/A: Proposed Floor Plans – Apartments.
- 3) Prior to the commencement of above ground works, a scheme for a Sustainable Drainage System in accordance with the Bexley Sustainable Drainage Design and Evaluation Guide (2018) shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of:
 - i. How a reduction in surface water runoff to the greenfield runoff rate shall be achieved;
 - ii. Calculations to demonstrate that the proposed system is fit for purpose, including correctly sized attenuation and surface water discharge rates;
 - iii. Installation of petrol/oil interceptors as necessary;
 - iv. Distribution of foul water flows into the surrounding sewer network as necessary;
 - v. Installation of rainfall attenuation units for capturing and reusing water;
 - vi. Information about the design storm period and intensity, the method employed to delay and control surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - vii. A timetable for its implementation; and
 - viii. A management and maintenance plan for the lifetime of the development.

The development shall be carried out in accordance with the approved details.

- 4) Prior to the commencement of above ground works, a detailed schedule and specification of the external materials and finishes to be used shall be submitted to and approved in writing by the local planning authority. The details shall include:
 - Elevational treatments - including bricks, bonding and mortar for brickwork, render, cladding etc;
 - Windows and doors;
 - Roofing and dormer materials;
 - Rainwater goods;
 - Boundary treatments

The development shall be carried out in accordance with the approved details.

- 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 6) The windows in the flank elevations of the development hereby approved shall be fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 7) Prior to the first occupation of the development hereby approved, details of how the development would adhere to the principles of Secure by Design shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the agreed details.
- 8) Prior to the first occupation of the development hereby approved, the area shown on drawing no S01/A for the parking of vehicles shall be surfaced and drained in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. That area shall thereafter be kept available at all times for the parking of vehicles.
- 9) Prior to the first occupation of the development hereby approved, details of refuse and recycling storage (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the local planning authority. The approved arrangements shall be installed before the development is first occupied and shall be permanently maintained thereafter.
- 10) Prior to the first occupation of the development hereby approved, details of bicycle storage (including means of enclosure) shall be submitted to and approved in writing by the local planning authority. The approved arrangements shall be completed before any part of the development is first occupied and shall be permanently maintained thereafter.
- 11) Prior to the first occupation of the development hereby approved, the accesses to the site shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions. The pedestrian visibility splays shall be maintained free of all obstacles between the heights of 0.6m and 2.0m above the level of the adjoining highway.

- 12) Prior to the first occupation of the development hereby approved, evidence that the development complies with Building Regulations Optional Requirement Approved Document G2 – Water efficiency (2015 edition) shall be submitted to and approved in writing by the local planning authority.
- 13) Prior to the first occupation of the development hereby approved, evidence that the development complies with Building Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and Adaptable Dwellings (2015 edition) shall be submitted to and approved in writing by the local planning authority.