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# 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: 27<sup>th</sup> March 2023**

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**Appeal Ref: APP/D5120/W/22/3307872**

**110-112 Belvedere Road, Bexleyheath DA7 4PF**

- 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 Mrs D Gungor against the decision of the Council of the London Borough of Bexley.
  - The application Ref 22/00430/FUL, dated 17 February 2022, was refused by notice dated 23 June 2022.
  - The proposal is described as 'the development of a 2 storey building comprising of 2 number 1 bedroom flats with each flats [sic] having its own garden, car park, with electric car charging, cycle storage and communal bin store.'
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## Decision

1. The appeal is allowed and planning permission is granted for 2 storey building comprising of 2 number 1 bedroom flats with each flat having its own garden, car park, with electric car charging, cycle storage and communal bin storage at 110-112 Belvedere Road, Bexleyheath DA7 4PF in accordance with the terms of the application, Ref 22/00430/FUL, dated 17 February 2022 and subject to the conditions set out in the schedule below.

## Preliminary Matters

2. The Council has confirmed that the reason for refusal should cite Policy H7, not Policy H9 of the Unitary Development Plan (UDP) 2004 and that reference to the Design and Development Control Guideline 2 was made in error. I have taken into consideration the appellant's comments on this matter.

## Main Issue

3. The main issue is the effect of the proposed development on the living conditions of residents of No 88 Haslemere Road (No 88), with particular regard to outlook.

## Reasons

4. The proposed development would follow the existing building line of properties on Haslemere Road. No 88 adjoins the site and is a semi-detached dwelling, with a 2 storey side extension.
5. The Council raise concerns that the proposed development would affect the outlook from the bedroom window on the side elevation of No 88. According to the appellant, the window relates to bedroom 4, which is the smallest bedroom in the house. This is not disputed by the Council or third party. The bedroom has a small, secondary window on the front elevation, which provides some

light to the room, but limited outlook. The main window to this room is on the side elevation. This window is set in from the boundary and looks out over dilapidated garages and the neighbour's garden.

6. The proposed building would be further away from No 88 than the existing garages but would be 2 storeys in height. Given the height, depth and positioning of the proposed development, it would not appear oppressive or overbearing to occupants of No 88. Furthermore, given the distance between the flank wall of the proposed building and the bedroom window, a reasonable outlook would be retained for this room.
7. On my site visit, I noted other dwellings on Haslemere Road of a similar design to No 88, with side facing first floor windows that face the flank wall of the neighbouring property. Although it is appreciated that these properties were built before the Design for Living Supplementary Planning Document (SPD) 2006 was adopted, there would be a greater distance between No 88 and the side elevation of the appeal property than in the examples I viewed. Consequently, outlook would be far better from the bedroom window in question, compared with other examples in the locality.
8. Overall, I conclude that the proposed development would not be harmful to the living conditions of residents of No 88 with regard to outlook. The proposal would comply with Policies ENV39 and H7 of the UDP, where these policies seek to ensure that the environment of the occupiers of adjacent properties would not be prejudiced and a reasonable degree of outlook would be provided.
9. I appreciate that the proposal would not comply with the separation distance specified within the SPD. However, the SPD acknowledges that it is the Council's intention to allow flexibility in the design of a scheme and not to apply rigid standards unnecessarily. For the reason set out above, I find no material harm to the living conditions of No 88. Therefore, the separation distance does not need to be applied in this case.

### **Other Matters**

10. Third parties have raised concerns about other matters including the effect of the proposed development on the character and appearance of the area; loss of open space; highway safety; parking provision; ecology; loss of daylight and sunlight; overlooking; space standards; dust during construction work; water pressure; sewage infrastructure; and, the location of the refuse store. The Council raise no concerns with regard to these matters and there is no technical evidence before me to reach a contrary conclusion.

### **Conditions**

11. In addition to the standard time limit condition and 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 hard surfacing and surface water drainage details are necessary in order 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 the ground floor unit to comply with M4(2) of the Building Regulations is necessary.

12. A condition requiring obscure glazing of the north and east facing first floor windows is imposed to protect the living conditions of adjoining occupiers. To protect the character and appearance of the area and the living conditions of neighbouring residents/future occupants, details of refuse storage are necessary. In order to improve biodiversity, details of biodiversity enhancement measures are required.
13. A condition restricting parking permits for future occupants is not considered necessary, given the parking provided on site and the unrestricted parking on Haslemere Road. A condition requiring relocation of the parking space in front of 112 is also not necessary, as the proposal would provide 2 new off road parking spaces to the front of 112.

### **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: A300: Site Location Plan/Existing Block Plan/Proposed Block Plan; A301: Proposed Ground Floor Plan; A302: Proposed First Floor Plan; A303: Proposed Street Scene; A304: Proposed Elevations; A305: Proposed Sections; A306: Existing Elevations; A307: Proposed Roof Plan; A308: Proposed Site Plan.
- 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/samples 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;
  - Windows and doors;
  - Roofing materials; and,
  - Boundary treatments

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

- 5) The windows in the first floor northern and eastern 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.
- 6) Prior to the first occupation of the development hereby approved, the area shown on drawing no A301 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.
- 7) 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.
- 8) Prior to the first occupation of the development hereby approved, details of bicycle 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 completed before any part of the development is first occupied and shall be permanently maintained thereafter.
- 9) Prior to the first occupation of the development hereby approved, details of biodiversity enhancement measures shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancement scheme shall be carried out in accordance with the approved details, prior to the first occupation of the development and thereafter retained.
- 10) 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.
- 11) Prior to the first occupation of the development hereby approved, evidence that the ground floor unit 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.
- 12) 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.