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# Appeal Decision

Site visit made on 28 March 2023

**by J Moore BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 May 2023**

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**Appeal Ref: APP/D5120/W/22/3291012**

**9 Bedens Road, Sidcup DA14 5JQ**

- 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 O Olushola against the decision of the London Borough of Bexley.
  - The application Ref 21/01006/FUL, dated 17 March 2021, was refused by notice dated 20 October 2021.
  - The development proposed is new development 4 bedroomed detached house.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant's statement of case<sup>1</sup> refers to Policy H7 of the Bexley Council Unitary Development Plan 2004 (UDP). However, the policy text quoted is from Policy H8, which is a criteria-based policy for infill, backland and similar development. Policy H8 was referred to in the Council's officer report, and although not referenced in any reason for refusal within the decision notice, I have considered it in my decision, where relevant to the main issues of this appeal.
3. Policy H8 also references Policy G27 of the UDP. However, Policy G27 is not a saved policy, and thus does not form part of the statutory development plan. I have therefore not considered this policy in my decision.

## Main Issues

4. The main issues are: -
  - the effect of the proposal upon the character and appearance of the surrounding area;
  - the effect of the proposal upon the living conditions of neighbouring occupiers at No.9 Bedens Road (No.9), with particular regard to private amenity space; and
  - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to private amenity space.

## Reasons

*Character and appearance*

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<sup>1</sup> paragraph 5.21

5. The host property at No.9 is a two-storey detached dwelling located within a residential area and is on a triangular shaped plot. The appeal site comprises garden land to the side of No.9. The proposed two-storey detached dwelling would face Bedens Road and would be on a triangular plot.
6. Towards the south-west side of the appeal site, the predominant property forms are two-storey semi-detached dwellings with hipped roofs and modest front gardens. Frontages are open or bounded with low level walling/fencing. To the north-east side of the appeal site, the character of built form is different, being two-storey short row terraces with gable end roofs and small front gardens. Frontages are predominantly open or bounded by low hedging.
7. In this regard, the appeal site is located between two distinct areas of different prevailing property forms. However, there is a two-storey detached property on an irregular plot opposite the appeal site at No.10 Bedens Road (No.10) at the corner of Davis Way. As such, the proposed two-storey detached form and irregular plot shape would not be unduly incongruous.
8. The area includes grassed highway verges and pieces of open land that provide gaps within the street scene and offer welcome relief to an otherwise built-up area. In this regard, the appeal site provides a gap within the built form along Bedens Road, and thus positively contributes to the open character of the area, notwithstanding its enclosure by a tall perimeter fence. Furthermore, the gap in built form provides relief when viewed from Maddocks Court which is situated to the north of the appeal site at a lower level. Due to its siting, height, width and depth, the proposed dwelling would introduce built form within an otherwise open gap within the street scene and would thus undermine the open character of the area.
9. While the proposed dwelling would provide sufficient separation distances to its neighbours, it would be positioned some 4m in front of the principal elevations of its host and the neighbouring semi-detached forms at Nos. 1, 3, 5 and 7 Bedens Road. Due to its siting, the proposed dwelling would have a very shallow frontage to the back of pavement, which would also differ from neighbouring houses. The proposed table-top roof form of the dwelling would not be in keeping with the prevailing hip and gabled roof forms within the wider area, nor would it be in keeping with the pyramid roof forms of the detached properties of Nos. 9 and 10. Due to its position, together with the proposed table-top roof form, the proposed dwelling would have a bulk and mass that would conflict with its immediate neighbours. Consequently, the proposed dwelling would appear as discordant and incongruous within the street scene.
10. The proposed dwelling would comprise fully rendered elevations. As such, it would fail to incorporate the brick soldier courses that are typical of the wider area, including the host property. The flat nature of the principal elevation, devoid of any projecting bay windows or canopy, would also not harmonise with the design of the prevailing property forms within the area. Consequently, the proposed design fails to respect the wider character and appearance of the area.
11. The appellant suggests that the proposal would bring about a form of innovation that would add to the aesthetics of the area, but the proposal appears as a common house design.

12. I therefore conclude that the proposed development would harm the character and appearance of the area. The proposed development would conflict with Policies ENV39 and H3 of the UDP. Taken together, these policies seek to ensure that residential development is of a high standard of design and is compatible with the character or appearance of the area.
13. Although not referred to in the Council's reasons for refusal, the proposed development would conflict with Policy H8 of the UDP, which seeks to ensure that residential development within gardens does not adversely harm the character and appearance of the area.

*Living Conditions – neighbouring occupiers*

14. The quantum of private amenity space that would remain for the host property would meet the required quantum standards. However, the shape of the space remaining to the host would be irregular, including a pointed area in the north of the space. As such, the usability of the space would be restricted. Furthermore, the area is north facing and due to its shape and narrow depth, together with the height of the host dwelling, it would receive very limited levels of daylight and sunlight. As such, the remaining space would not be sufficiently practical in terms of its shape and utility, nor provide good amenity as set out in the supporting text to Policy D6 of the London Plan 2021 (LP).
15. I therefore conclude that the proposed development would harm the living conditions of neighbouring occupiers, with particular regard to private amenity space. The proposed development would conflict with Policy H6 of the UDP, and Policy D6 of the LP. Taken together, these policies seek to ensure high quality development to relevant standards; to ensure that private amenity space is usable; and to ensure that the amenity of neighbouring occupiers is protected.
16. Although not referred to in the Council's reasons for refusal, the proposed development would conflict with Policy H8 of the UDP, which seeks to ensure that residential development within gardens does not adversely affect the amenities of adjacent dwellings and their gardens.

*Living Conditions – future occupiers*

17. The proposed private amenity space for the four bedroomed/seven person proposed dwelling would meet quantum standards. It would comprise two main areas, one to the side of the proposed dwelling, and a further space towards the rear of the proposed dwelling, both triangular in shape.
18. The rear space would be some 4.7m deep from the bi-folding doors of the rear elevation to the boundary, leaving very little space for outside activities. It would also be north facing, and due to this, its limited depth and the position and height of the proposed dwelling, the space would receive very limited levels of daylight and sunlight.
19. Consequently, the proposed private amenity space would not be sufficiently practical in terms of its shape and utility, nor would it provide good amenity.
20. I therefore conclude that the proposed development would not provide an acceptable level of private amenity space for future occupiers. The proposed development would conflict with Policy H6 of the UDP, and Policy D6 of the LP. Taken together, these policies seek to ensure high quality development to

relevant standards; to ensure that private amenity space is usable; and to ensure standards of amenity for future occupiers.

### **Other Matters**

21. The proposed development would support the government's objective to significantly boost the supply of land for housing; and it would comprise a small site that could be built out relatively quickly. The contribution of a single unit to the housing supply would be limited. While the National Planning Policy Framework (the Framework) supports the objective to use land efficiently, this is not unfettered. Paragraph 124 of the Framework requires that the desirability of maintaining an area's prevailing character and setting (including residential gardens) is taken into account, as well as the importance of securing well-designed and attractive places. Paragraph 130 of the Framework sets out that planning decisions should ensure that developments are sympathetic to local character, with a high standard of amenity for existing and future users.
22. I have been referred to other planning permissions for detached dwellings within the borough. However, I do not have full details of the circumstances that led to these proposals being accepted. Moreover, from the details that have been provided, they appear to relate to dwellings of different designs and in different contexts to that at the appeal site. Therefore, I cannot be sure that they are directly comparable to the proposal before me. I have taken into account the example at No.10 Bedens Road, directly opposite the appeal site, but this is distinctly different to the appeal proposal in terms of its roof shape, its position on its site, and its private amenity space.

### **Conclusion**

23. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

*J Moore*

INSPECTOR