



Appeal Decision

Site visit made on 23 May 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 JULY 2023

Appeal Ref: APP/D5120/W/22/3309980

37 Sunningdale Close, Bexley, London SE28 8QR

- 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 R Yacht against the decision of the Council of the London Borough of Bexley.
 - The application Ref 22/01220/FUL, dated 30 May 2022, was refused by notice dated 9 September 2022.
 - The development proposed is erection of a three storey end of terrace dwelling with parking provision, cycle storage and refuse and recycling provision.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr R Yacht against the Council of the London Borough of Bexley. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council's decision refers to the policies of the Unitary Development Plan 2004 (the UDP) and the Core Strategy 2012. The Council adopted the Bexley Local Plan in April 2023 (the Local Plan), which superseded both the UDP (although not the appended Design and Development Control Guidelines) and Core Strategy.
4. The Council has specified which policies of the Local Plan it considers are relevant to this appeal, and the appellant has had the opportunity to respond. I have therefore proceeded to determine this appeal with reference to the Local Plan.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether sufficient evidence has been submitted with regard to flood risk and fire safety.

Reasons

Character and Appearance

6. The appeal site consists of a garden area located at the end of a terrace of 3-storey dwellings. Although there is some variation in the design of individual dwellings within the terrace, the block as a whole is of a coherent and symmetrical character. The site is located at the entrance to the cul-de-sac of Sunningdale Close, and the set-back from the edge of the highway created by the garden, as well as that of the building opposite, creates a relatively open character in this important part of the streetscape.
7. The appeal proposal would be built to the side of the terrace and would project in very close proximity to the edge of the footpath. Due to the scale and massing of the proposal, this proximity to the highway would result in a stark and unduly enclosing feature at the entrance to the cul-de-sac. This would be the case even allowing for the set-back of the dwelling opposite. The over dominant appearance would be apparent in views when approaching the cul-de-sac as well as views along the streetscape of Sunningdale Close.
8. The appellant refers to a number of sites in the surrounding area which contain little or no buffer between buildings and the edge of the highway. However, many of those do not represent a direct parallel to the appeal proposal including the massing of development, proximity to the public realm or the location at the entrance to a cul-de-sac. In any event, the buildings of a similar scale referred to with a minimal buffer served to confirm the stark and overbearing character of this form of development in the streetscape.
9. I conclude that due to its scale, location and design, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to the design requirements of Policies SP5, DP2 and DP11 of the Local Plan, and Policies D3 and D4 of the London Plan 2021. The proposal would also be contrary to the National Planning Policy Framework (the Framework) in respect of achieving well-designed places.

Flood Risk and Fire Safety

10. In its reasons for refusal on these issues, the Council refers to a lack of an acceptable Flood Risk Assessment (FRA) and evidence relating to Fire Safety.
11. However, the appellant has provided an FRA with the appeal, which concludes that the proposal has an acceptable flood risk. The Council has provided no substantive evidence to demonstrate otherwise. On the basis of the submitted evidence, the proposal would therefore comply with the flood risk and climate change requirements of Policy SI 12 of the London Plan, Policies SP1 and SP14 of the Local Plan and the Framework.
12. The appellant has also provided a Fire Statement Form with the appeal which assesses the proposal against a range of criteria, and they conclude that this meets the requirements of Policy D12 of the London Plan. The Council has not commented further on the matter of this Fire Statement. Therefore, I conclude that sufficient evidence has been provided to demonstrate that the proposal would comply with Policy D12 of the London Plan in respect of fire risk.

Other Matters

13. Notwithstanding my conclusions in respect of the FRA, no substantive evidence has been provided to me in respect of the sequential and exception tests. Had I been minded to allow this appeal, these are matters I would have considered further.

Conclusion

14. Notwithstanding my conclusions in respect of flood risk and fire safety, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to the development plan and the Framework when read as a whole in respect of achieving well-designed places.

David Cross

INSPECTOR