



Appeal Decision

Site visit made on 18 May 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/D5120/W/22/3309135

168 Westbrooke Road, Welling Bexley DA16 1QE

- 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 W Dimond against the decision of the Council of the London Borough of Bexley.
- The application Ref 22/00517/FUL, dated 28 February 2022, was refused by notice dated 27 April 2022.
- The development proposed is extension to the existing 2 storey building to provide 2 additional 1 bed flats with associated parking and amenity space.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the refusal of planning permission, the Council has adopted the Bexley Local Plan (BLP) on 26 April 2023, replacing the Core Strategy (2012) and the Unitary Development Plan (2004), which have accordingly been withdrawn and no longer carry any weight in decision making.¹ The Council has set out which policies of the BLP it considers relevant to the proposal and the appellant has been afforded the opportunity to comment on this change to the policy context.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect on neighbours' living conditions, with respect to outlook and overshadowing;
 - Whether the proposal would provide a suitable standard of accommodation for future occupants, with respect to floorspace, outlook, and amenity space and;
 - The effect of the proposal on demand for on-street parking.

Reasons

Character and Appearance

4. The appeal relates to a roughly triangular site at the end of a linear row of semi-detached dwellings. The site is occupied by two, two-storey buildings

¹ Two documents remain extant - Design for Living (2006) and Design & Development Control Guidance 2 from the UDP guidance section.

each containing two flats. The proposal seeks to extend one of the buildings to the front and rearrange it internally to provide four flats.

5. The existing buildings on the site differ in form from the consistent, semi-detached pattern which characterises the streetscene on both sides of the road. However, the buildings step back in turn from the main building line, following the curve of the road and maintaining a similar degree of setback from the highway as the adjacent semi-detached dwellings. This maintains the open, suburban character to the streetscene. The existing buildings are also reasonably close in height, massing and footprint to the semi-detached dwellings which helps them to integrate into the streetscene.
6. The proposed extension would result in a building of significantly larger footprint relative to the other building on the site and neighbouring dwellings. The elongated footprint and greater massing would be clearly seen in the long vista from the west on Westbrooke Road. The existing, complementary scale of the building within the streetscene would change to a physically dominant building in a conspicuous position that would fail to respect the prevailing size, form and pattern of development.
7. I am referred by the Council to a dismissed 2017 appeal decision for a different development on the site. I do not have full details of this scheme before me but there appear to be some similarities based on the Inspector's description, and I concur with the concerns raised therein that the proposal then, as now, would fill most of the plot on the eastern side and reduce the plot openness which characterises the area. Although it would retain a setback from the neighbouring dwelling at No 166, the curve of the front boundary of the site means that the proposed building would appear to stand more forward in its plot, and the reduced space would be apparent in the tight parking arrangements proposed in front of the building.
8. For these reasons, I conclude that the proposal would harm the character and appearance of the area, in conflict with Policies SP1, SP5, DP2 and DP11 of the BLP, which together require high quality development in Welling which complements the surrounding area, including in terms of layout, scale and massing. There would also be conflict with the similar design-related aims of the National Planning Policy Framework (the Framework).

Neighbours' Living Conditions

9. The extension would bring the front wall of the building beyond the rear wall of the adjacent dwelling at No 166. I viewed the site from this neighbouring property and saw that the existing gap allows direct afternoon sunlight through to the rear garden. The extension would noticeably narrow this gap, in particular obscuring late sunlight from a westerly direction which would reach the rear windows and patio of No 166.
10. This narrowed gap would also reduce outlook to this side, whilst the extended flank wall, given its height and proximity, would increase the sense of enclosure for occupants of No 166, and increase the extent and degree of overshadowing the garden would experience during the day.
11. I note concerns raised regarding potential loss of privacy from a proposed balcony to the rear of the appeal building at first floor level. The appellant has indicated their willingness to remove the balcony from the proposal. This would

negate the potential for overlooking, though from my own observations, the position of the balcony would enable views over only the rearmost part of the garden of No 166, views which would be similar to those already possible from the rear first floor windows of the appeal building, and the upper floor windows of No 164 on the other side of the neighbour's property. As such, I do not find additional harm in this respect.

12. However, for the other reasons set out, I conclude that the proposal would harm neighbours' living conditions though loss of sunlight and outlook, and increased sense of enclosure, in conflict with Policies SP5 and DP11 of the BLP, which require high quality development that ensures that existing properties' amenity is appropriately protected. There would also be conflict with the similar aims of the Framework to ensure a high standard of amenity for existing and future users.

Standard of Accommodation

13. The proposal would see two two-bedroom flats re-arranged to form four units, described by the appellant as two one-bedroom, one-person flats on the ground floor, each at 39.60sqm gross internal area (GIA) and two one-bedroom, two-person flats, each across first and second floor level, measuring 60.63sqm GIA.
14. Policy D6 of the London Plan (March 2021) (the LP21) sets out that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Developments are also required to meet minimum internal floor space standards set out in Table 3.1. The proposals in this case would meet the floorspace requirements for one-bedroom, one-person flats of 37sqm GIA and one-bedroom, two-person flats of 58sqm GIA².
15. However, the Council points to the layout of the ground floor units as having physically separate bedrooms which are capable of double occupation, and if considered as one-bedroom, two-person flats, would fall well short of the required 50sqm GIA of Policy D6³. I agree that if occupied by two people, the ground floor flats would have confined layouts with limited room to comfortably move about the space, but I also find that, even within the internal partitioning proposed, the layouts would provide reasonably sized spaces that would be adequate for single occupants, as proposed. The first floor units would meet the relevant floorspace standards and would be acceptable in this respect.
16. Setting aside floorspace, each of the flats would each be single aspect, orientated either north or south. This conflicts with Policy D6 which seeks to normally avoid dual aspect dwellings unless shown to be a more appropriate design solution with adequate passive ventilation, daylight, privacy and capable of avoiding overheating. The appellant's evidence briefly refers to the flats having natural light and outlook, but otherwise does not address their single aspect design.
17. Having observed the site, Studio 1 would have limited outlook onto the railway embankment directly to the rear of the site through two small windows. The massing of the adjacent building on the site to the west would further enclose the rear windows of the unit and restrict afternoon sunlight. This would

² Where the unit is over two storeys

³ Where the unit is on a single storey

contribute to gloomy interior spaces and result in a poor quality living environment for occupants. Moreover, the plans show the unit would have no direct access to the patio space at the rear, with the existing patio doors to be removed. This would exacerbate the oppressive living conditions occupants would face in this unit.

18. Flat 3 on the first floor would have a better outlook given its elevated position, but the interior spaces would still suffer similarly gloomy internal spaces to Studio 1 due to its northerly orientation and the enclosing presence of the adjacent building.
19. The units on the southern side would benefit from more direct sunlight, though the Council warns of the risks of overheating. A single aspect design may make ventilation more difficult to achieve, but the evidence before me is not conclusive that the units would be incapable of maintaining adequate living conditions in this respect, assuming they would be fitted with standard, openable windows.
20. It is indicated that the units would have access to a private amenity area and garden space to the side and rear of the site. However, the plans are unclear as to how these spaces would be divided. The space to the side is located immediately next to the ground floor unit of the western building. Those using the amenity space would have clear views into this flat that would severely erode the privacy of its occupants. Similarly, any communal use of the space to the rear of Studio 1 would cause a harmful loss of privacy to occupants of that unit. I note the Inspector in the 2017 appeal raised similar concerns and did not consider the use of fencing or planting to offer sufficient mitigation. I concur, as any privacy screening would need to be of a sufficient height to prevent views but would in turn severely restrict outlook for occupants of the ground floor units of both buildings.
21. Consequently, I find that the external amenity areas would be poor quality spaces that would not be genuinely communal for all flats on the site. This absence of adequate external space would further detract from the standard of accommodation that would be provided, particularly for Studio 1 and Flat 3 that would already suffer from poor light and outlook.
22. For the reasons set out, I conclude that the proposals would fail to provide a suitable standard of accommodation for future occupants, contrary to the aforementioned aims of Policy D6 of the LP21 and the similar aims of Policies SP5 and DP11 of the BLP for high quality development that meets appropriate internal accommodation standards.

Parking

23. The site lies in an area of poor to moderate public transport accessibility (PTAL 2/3) and there are parking restrictions to the front of the site and on-street parking is otherwise limited by the presence of driveways to most properties. The existing development on the site, pursuant to planning permission in 2018, provides for four parking spaces, one per unit, although the spaces were not demarked on site at the time of my visit.
24. The proposal would add two additional units. The plans do not provide for additional off-street parking, with four spaces still being shown and no obvious space available to accommodate any further parking. The appellant argues that

four spaces, together with the provision of additional cycle spaces and the site's proximity to Welling Town Centre, would accord with the LP21 guidelines for parking. Under Policy DP23 of the BLP, the site is considered to be within a 'Sustainable Development Location' with an expectation that the lowest applicable maximum London Plan standards would apply for parking.

25. Policy T6.1 of the London Plan sets out that new residential development should not exceed the maximum parking standards of Table 10.3. For 1-2 bedroom units in Outer London PTAL 2-3, the maximum provision is 0.75 spaces per dwelling. This would equate to 4.5 spaces for the 6 total units. The proposed four spaces would therefore accord with the London Plan standard.
26. I recognise that that the proposed units may generate additional parking demand that would increase pressure for on-street parking, though this would be limited in number given the modest size of the units proposed. However, the Council does not provide evidence that parking demand in the surrounding area is at such a critical level that no additional on-street parking could be accommodated.
27. In this case, the parking restrictions in place along the bend in the road would dissuade indiscriminate parking in front of the site and there is space for on-street parking to be accommodated within the surrounding streets. The site is also less than 10 minutes' walk from the many shops and other amenities of Welling High Street, including public transport connections which would go some way to lowering demand for parking by prospective occupants.
28. Taking these considerations together, I am satisfied that the proposal would not lead to significant demand for on-street parking and there would not be a demonstrable risk to highway safety arising as a result of the proposal. Therefore, I find no conflict with Policies SP10 and DP23 the BLP in terms of their requirements that developments encourage walking and cycling through the borough and balance the need for parking and the environmental, economic and social impacts of traffic movement and parked vehicles.
29. Moreover, the Framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, neither threshold I find to be reached in this case.

Planning Balance

30. The net gain of two residential units would be a benefit of the proposal, though I have no evidence to substantiate the appellant's claim that smaller units are in greater need than the existing two bedroom units on the site. There would also be minor benefits in terms of the economic activity generated in the construction of the dwellings and subsequently by occupants in patronising local businesses.
31. Set against this, I have found that the proposal would harm the character and appearance of the area and would cause demonstrable harm to the living conditions of existing and future occupants in a number of respects. This results in conflict with several policies of the development plan and the guidance of the Framework. I afford significant weight to these conflicts.
32. The appellant points to the Council not meeting the requirements of the Housing Delivery Test (HDT) and not being able to demonstrate a 5-year

supply of deliverable housing sites. The Council has not addressed this point in its evidence, but its 2021 HDT result (January 2022) of 93% does not automatically engage the presumption in favour of sustainable development under paragraph 11 of the Framework. I have no other evidence from the appellant as to the extent of any shortfall in the Council's housing land supply.

33. However, even if I were to accept the appellant's position regarding the Council's housing land supply and engage the 'tilted balance' of paragraph 11, and in doing so ascribe greater weight to the provision of housing, the adverse impacts associated with granting planning permission would still significantly and demonstrably outweigh the benefits, when considered against the policies of the Framework, taken as a whole.
34. Consequently, the Framework, as a material consideration, does not indicate that permission should be forthcoming, and there are no other material considerations that would justify a decision being made other than in accordance with the development plan.

Conclusion

35. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR