



Appeal Decision

Site visit made on 27 June 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/D5120/W/22/3307887

1 The Drive, Erith DA8 1ED

- 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 Panasuik against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/03469/FUL, dated 8 November 2021, was refused by notice dated 8 August 2022.
 - The development proposed is the erection of a 2-storey side extension and loft conversion with rear dormer extension and conversion of property into HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2-storey side extension and loft conversion with rear dormer extension and conversion of property into HMO at 1 The Drive, Erith DA8 1ED in accordance with the terms of the application, Ref 21/03469/FUL, dated 8 November 2021, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. Since the Council determined the planning application, it has adopted the Bexley Local Plan (BLP). The policies in the BLP supersede policies from the Bexley Local Development Framework Core Strategy and saved policies from the Bexley Unitary Development Plan which were included in the Council's reason for refusal of the planning application. I have determined the appeal based on the current applicable policies in the BLP, in addition to the policies in the London Plan (LP) referred to in the Council's reason for refusal. The parties to the appeal have been made aware of this.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. Section 13 of the planning application form refers to the proposed use as a house in multiple occupation (HMO) within use class C4, which is a small HMO. However, it is clear from the plans and accompanying details that the development comprises a large HMO with eight rooms (*sui generis*). The Council dealt with the proposal on this basis and so shall I.

Main Issues

5. The main issues in this appeal are:

- i. The effect of the proposed development on the character and appearance of the existing building and surrounding area.
- ii. Whether the proposed development would provide adequate living conditions for future occupiers, with particular regard to outlook.

Reasons

Character and appearance

6. The existing building comprises Nos 1 and 2 The Drive, a symmetrical semi-detached pair of houses located in a cul-de-sac of other, mostly semi-detached dwellings. By virtue of its location at the entrance to the close, No 1 differs from its neighbours in having a relatively large triangular side garden. The houses in The Drive generally have two storeys with hipped and tiled roofs and front projections at ground floor level. Most have been extended in some way, with several that include two-storey side extensions. These extensions give variety to the appearance of the semi-detached pairs, which contributes to the character of the area surrounding the appeal site.
7. The proposed side extension would replace the existing single-storey double garage with a narrower, two-storey element that would be flush with the façade of the house. The roof of the extension would lengthen the ridge line of No 1, which would introduce asymmetry in the semi-detached pair of houses. However, it would otherwise have the same hipped form, pitch and eaves height as the existing building's roof, which would help mitigate the imbalance. The existing ground floor front projection would be unaltered, so this feature would continue to mirror that at No 2, reinforcing their similarity. The extension's lack of front projection, narrow width relative to the host dwelling, and siting well in from the side boundary of the plot would make it appear subordinate to No 1.
8. I accept the proposed extension would not be set back from or below the ridge of the host dwelling, as sought by Bexley's Design and Development Control Guideline 2 (DDCG2). However, for the reasons set out above, I find it to be consistent with other aspects of DDCG2, including in relation to corner plots. Overall, the extension would not be dominant and the change in appearance of the existing building would not be harmful.
9. Given the number and variety of existing two-storey side extensions in The Drive, the proposal would not look out of place in the street-scene. Indeed, it would be quite similar in form and appearance to some of them, including one in a prominent location opposite the junction within the cul-de-sac. It would also vary little in width from the extension at No 12 and would be only slightly wider than that at No 29, so the circumstances in those cases are not significantly different from the appeal scheme. While some of the existing extensions may have been granted permission prior to the Council's most recent policy and guidance, in the context of The Drive they contribute to the character of the area. Consequently, the proposal's similarity to some of those older extensions would not harm that character.

10. In response to my question about applicable policies in the BLP, the Council referred to Policies SP1, DP13 and DP23. Policy SP1 is an overarching policy on spatial strategy, Policy DP13 relates to local views and Policy DP23 covers parking management. Given these policies do not specifically address character and appearance, they are not directly relevant to this main issue.
11. For the above reasons, I conclude the proposed development would not have a harmful effect on the character and appearance of the existing building and surrounding area. Accordingly, I find no conflict with Policies SP5 and DP11 of the BLP, which together seek a high standard of design that protects or enhances the area's character. I also find no conflict with the National Planning Policy Framework (the Framework) where at paragraph 130 it seeks good design and development that is sympathetic to local character.

Living conditions

12. Bedroom 2 on the ground floor would look out over the rear garden, boundary fence and the rear of houses beyond. Although the area of rear garden is relatively small, the longest part would be opposite bedroom 2, which would have a full-length glazed door with full-length side windows. These factors would optimise the amount of outside space seen from the room. In addition, the triangular shape of the garden means the fence and rear of other houses would be at an oblique angle to the bedroom window, helping to mitigate a sense of enclosure. I therefore consider the outlook from bedroom 2 would be acceptable.
13. For the above reasons, I conclude the proposed development would provide adequate living conditions for future occupiers, with particular regard to outlook. Accordingly, I find no conflict with Policy D6 of the London Plan (LP) and London Plan Housing SPG, which together seek comfortable and functional housing layouts that are fit for purpose. I also find no conflict with the Framework where at paragraph 130 f) it seeks a high standard of amenity for future users.

Other Matters

14. The appeal site is just outside the Brook Street Conservation Area (CA), so is within its setting. The CA comprises the section and side of Brook Street closest to The Drive. Having regard to the CA Area Appraisal and Management Plan, its significance derives primarily from the homogenous appearance from Brook Street of a stretch of traditional terraced cottages and their village feel. Its setting includes nearby community facilities, such as a recreation ground, with which it has an historic relationship. The proposed development would not be visible from Brook Street so would not affect the appearance of the cottages or village feel of the street; and it would not affect the cottages' relationship with the nearby facilities. Therefore, the proposal would not harm the setting or significance of the CA.
15. The evidence before me demonstrates a need for HMOs in Bexley, in addition to family sized housing, because HMOs provide flexible and relatively affordable accommodation, particularly for those entering the labour force. There is little before me to demonstrate harm from the loss of a family sized dwelling. I am also not persuaded there is sufficient evidence to demonstrate the proposal would result in a harmful concentration of HMOs.

16. Concerns about an increase in anti-social behaviour and crime, and disruption to community life, from the proposal are not clearly substantiated. The number of people in occupation at one time can be secured by condition. I acknowledge that the noise emanating from an HMO might be greater than that from a single-household dwelling of a similar size. To mitigate this, I have also imposed a condition requiring sound insulation, as suggested by the Council in its decision report. The Council's HMO licensing scheme would provide another mechanism to manage noise and disturbance, although that is outside the scope of planning. Any disturbance during the construction period would be for a temporary period only.
17. From the evidence before me I am satisfied the vehicle parking and access arrangements would be acceptable, subject to a condition requiring approval of details. I have imposed a condition to require parking for 8 bicycles to provide an alternative to car use. There is little evidence highway and pedestrian safety or access for emergency services and deliveries would be compromised. I have required approval of further details of refuse storage facilities by condition.
18. The Council is satisfied with the other effects of the proposal on the living conditions of neighbouring occupiers, including privacy, outlook and light. They are also satisfied with the proposed loss of trees, subject to a condition requiring replacement planting. I see no reason to disagree with these conclusions. There is little evidence to support concerns about drainage from the HMO or disabled access, which in any case are matters for other regulatory regimes. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of property. Concerns about a local land covenant and effects on land stability are private matters between the relevant parties and not within my jurisdiction.

Conditions

19. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
20. The conditions restricting the number of occupants of the HMO and requiring sound insulation and security measures are necessary to safeguard the living conditions of neighbouring occupiers and future occupants. The condition relating to soft landscaping and replacement tree planting is necessary to protect the living conditions of neighbours and enhance the appearance of the proposal.
21. The condition regarding bicycle storage is necessary to promote active travel. The condition concerning refuse/recycling storage is necessary to achieve good refuse management. The conditions relating to vehicle parking and pedestrian visibility splays are necessary in the interests of effective parking management and highway safety.

Conclusion

22. For the above reasons the proposal accords with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken other than in accordance with the development plan. Having regard to all other matters raised, I therefore conclude the appeal should be allowed.

C Carpenter

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: EFP/20046-1 Existing and Proposed Floor Plans & Elevations; EFP/20046-2 Existing and Proposed Block Plans; and EFP/20046-3 Existing and Proposed Block Plans.
- 3) No work above ground shall take place until details of sound insulation measures have been submitted to and approved in writing by the local planning authority. The sound insulation measures shall be installed in accordance with the approved details before the HMO is first occupied and shall be retained thereafter.
- 4) No work above ground shall take place until details of security measures consistent with Secure by Design principles have been submitted to and approved in writing by the local planning authority. The security measures shall be installed in accordance with the approved details before the HMO is first occupied and shall be retained thereafter.
- 5) The HMO hereby approved shall not be occupied until a scheme for soft landscaping, including replacement trees, has been submitted to and approved in writing by the local planning authority. The soft landscaping scheme shall include an implementation programme. The soft landscaping scheme shall be carried out in accordance with the approved details and implementation programme.
- 6) Notwithstanding condition 2 the HMO hereby approved shall not be occupied until details of storage for 8 bicycles have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the HMO is first occupied. The bicycle storage shall thereafter be kept available for the parking of bicycles.
- 7) Notwithstanding condition 2 the HMO hereby approved shall not be occupied until details of refuse/recycling storage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the HMO is first occupied. The refuse/recycling storage shall thereafter be kept available for the storage of refuse/recycling.

- 8) Notwithstanding condition 2, the HMO hereby approved shall not be occupied until details of vehicle parking and turning space for at least 3 cars have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the HMO is first occupied. The parking spaces shall thereafter be kept available at all times for the parking of vehicles.
- 9) The HMO hereby approved shall not be occupied until the vehicle access has been provided with those parts of 2.4m x 2.4m pedestrian visibility splays that can be accommodated within the site in both directions. The vehicle access shall thereafter be maintained free of obstructions to visibility between the heights of 0.6m and 2m above the level of the adjoining highway.
- 10) The HMO hereby approved shall be occupied by no more than 8 persons at any one time.