



Appeal Decision

Site visit made on 20 September 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2023

Appeal Ref: APP/D5120/W/23/3320248

Land on the west side of Christopher Close, Sidcup, Kent

- 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 D Sullivan against the decision of the London Borough of Bexley Council.
 - The application Ref 22/01786/FUL, dated 13 July 2022, was refused by notice dated 20 October 2022.
 - The development proposed is a 1 bedroom house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the issuing of the decision notice, the Council adopted the Bexley Local Plan (2023) (the Local Plan), which supersedes the Bexley The Bexley Unitary Development Plan (2004) and the Bexley Core Strategy (2012). Consequently, I have determined this appeal against the relevant policies in the Local Plan, the London Plan (2021) (the London Plan) and the National Planning Policy Framework (2023) (the Framework). The Council addressed the adoption of the New Local Plan in their appeal submission and the appellant has had the opportunity to provide a further submission in response.
3. As the address used for the appeal site varies between the documents submitted for the purposes of this appeal, I have used the address from the Council's decision notice, as this is the most accurate address that sets out the location.

Main Issue

4. The main issues are the effect of the proposal on:
 - the living conditions of future occupiers of the proposed dwelling; and
 - The effective use and safety of the public highway.

Reasons

Living Conditions

5. The appeal site is a triangular piece of land on Christopher Close, a cul-de-sac made up of two storey buildings with maisonette flats and three storey houses. It sits to the west side of a pair of maisonettes at 35 and 36 Christopher Close (No.

- 35 and No.36) and is in close proximity to a right angle bend in the close, which leads to a private parking area that terminates the cul-de-sac.
6. The front of the proposed two storey single bedroom house would align with the front elevation of No. 35 and No.36. A single off street parking space would be provided in on a driveway in the front garden. The rear part of the proposed dwelling would be narrower than the front, with a step in on the side away from No. 35 and No.36. This follows the narrowing of the triangular plot towards its rear, which would create a rear garden that would narrow substantially away from the proposed house.
 7. The widest part of the garden nearest to the proposed house would be overlooked by the kitchen windows in the flank elevation of No. 35 and No.36. There would also be overlooking from these windows into the main ground floor living space and first floor bedroom of the proposed house.
 8. Further, the main ground floor living space of the proposed dwelling would have a wide folding door across the majority of the rear elevation and would open directly onto the rear garden. Given the proximity to the kitchen windows at No. 35 and No.36 and their angle of view towards the rear elevation of the proposed dwelling, this would allow for direct overlooking of this rear room.
 9. The extent of the overlooking of both the rear garden space and main living area of the proposed dwelling would be intrusive. This would lead to a lack of privacy that would be experienced by the potential future occupiers of the proposed dwelling as oppressive. This would result in substantially harmful living conditions for those future occupiers. This would conflict with policies DP1 and DP2 of the Local Plan, policy D3 of the London Plan and paragraph 130 of the Framework. Collectively these seek developments that provide well-designed housing that takes account of impacts on health and wellbeing, with a high standard of amenity for future users.
 10. The Council concluded that, due to the extent of overlooking of that part of the garden nearest to the proposed dwelling, only a significantly smaller and narrower part of the rear garden would have an acceptable degree of privacy for potential future occupiers. This mirrors my own findings, and I see no reason to demur from this conclusion.
 11. However, I find that this does not necessarily mean that the remaining garden space would not be capable of being successfully used as a private amenity space. Further, the garden as a whole and, when considered in isolation, that part of the rear garden that would not be overlooked would both be significantly in excess of the minimum size required for such developments for private amenity spaces set by policy D6 of the London Plan. I conclude, therefore, that the proposal would accord with this policy, which seeks to secure quality housing with amenity space of a size appropriate to the number of bedrooms and occupiers.

Use and Safety of the Public Highway

12. Apart from the short lengths of double yellow lined 'At No Time' restriction at its junction with Blackfen Road, Christopher Close has no on street parking restrictions. In the area of the close fronting the appeal site, the side nearest has a kerb with on street parking. However, after the bend in the street on the same side as the proposed dwelling and opposite it, there are extensive dropped kerbs for access to off street parking for 3 storey terraced houses.

13. From my site visit, which was in the middle of a working day, it was clear that this leads to there being limited on street parking, which appears to be under significant pressure. The loss of a single on street parking space would add slightly to this evident pressure. The addition of a new dwelling, even with a single off street parking space, would also only result in added pressure on existing on-street parking, stemming from the parking needs of visitors, deliveries and the possible additional car for potential occupiers. I have been provided with no information by the appellant that would indicate the contrary.
14. For these reasons I find that the proposal would result in slight harm to the provision of on street parking in the local area and a reduction of parking capacity. This would be contrary to policy DP22 of the Local Plan and Policy T1 and T2 of the London Plan Section 9 of the Framework, which collectively seek to ensure sustainable transport outcomes and that impacts on capacity of the transport network can be mitigated.
15. The close is relatively narrow and short with significant numbers of off street parking spaces accessed via extensive dropped kerbs. It appears to be only navigable safely at slow speeds and the volume of traffic appears to be minimal and does not currently give the appearance of being hazardous or experienced as unsafe by pedestrian and other users. The Council have established that there have been no reported collisions in the close. I therefore see no reason to conclude that the addition of a single off street parking space, which would follow the form of existing off street parking spaces with dropped kerbs, would result in any significant change to the road safety of the close. In this regard the proposal would accord with Policy DP22 of the Local Plan and policy T2 of the London Plan and section 9 of the Framework, which collectively seek to ensure safe transport outcomes. Lack of harm in this instance is a neutral factor in my considerations.

Other Matters

16. Although the appellant has set out their views on the advice and communication, or lack thereof, from the Council through the planning application process, these are not matters that I can consider as material to my consideration of the proposed development.

Planning Balance and Conclusion

17. The proposal would result in the public benefit of 1 new dwelling with its own garden and would be suitable for small households, where housing need is particularly acute. Whilst this is a small contribution to the housing shortage, such windfall developments do collectively make a significant contribution to new housing.
18. However, with the presumption in favour of sustainable development and paragraph 11 of the Framework in mind, I find that the substantial adverse impacts of granting permission, on the living conditions of potential future occupiers and slight harm to the provision of on street parking in the local area, would significantly outweigh the benefits.
19. The appeal is dismissed.

Victor Callister

INSPECTOR