
Appeal Decision

Site visit made on 12 February 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/D5120/W/23/3323286

80 Alderney Road, Erith DA8 2JD

- 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 Jonathan Smith against the decision of the Council of the London Borough of Bexley.
 - The application Ref 22/03013/FUL, dated 1 December 2022, was refused by notice dated 9 March 2023.
 - The proposed development is for the construction of a new single-storey dwelling house within the curtilage of the site.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new single-storey dwelling house within the curtilage of the site at 80 Alderney Road, Erith DA8 2JD in accordance with the terms of the application Ref 22/03013/FUL, dated 1 December 2022, subject to the conditions in the attached schedule.

Preliminary Matter

2. Since the determination of the application by the Council the Bexley Local Plan April 2023 (LP) has been adopted. This has superseded all policies contained in the Council's Unitary Development Plan (2004) and the Core Strategy (2012). I have determined the appeal on the basis of the newly adopted LP.

Main Issue

3. The main issue is whether the proposed development is acceptable in relation to its backland positioning, and the overall effect on the character and appearance of the surrounding area.

Reasons

4. The appeal site is a two-storey, semi-detached house in the northwest corner of Alderney Crescent. The neighbourhood is broadly characterised by residential properties set within urban surrounds.
5. It is proposed to erect a single-storey dwelling with a flat sedum roof, private amenity space and vehicular parking in the rear garden. The single garage on the site is to be demolished and access to the unit would then be provided along the common boundary with no. 82. The land backs onto residences in Rainbow Road, and the upper floors and roofs of these units are visible from Alderney Crescent between the gaps in the built form.

6. The new bungalow would be partially visible from the public realm along the proposed driveway. To my mind, it would be discreetly positioned within the streetscene, and due to its low level nature the impact on the local setting would be modest. I recognise that the proposed design would differ from other dwellings in the neighbourhood, but that is not in itself a justifiable reason for resistance to the proposal. Indeed, the National Planning Policy Framework states that appropriate innovation or change should not be prevented or discouraged in this regard. In any event, the flat roof would match some of the garages in Alderney Road, and as such it would not look incongruous or otherwise detract from the overall appearance of the locale. The use of brick for the external walls would be analogous with other properties in the area.
7. I acknowledge that the elevations would be constructed close to the perimeter of the site, however this is a high-density urban area and such development would not appear out of place in this context. Moreover, I am aware of the need to optimise site capacity; given the demand for housing in London, the effective use of land is necessary to achieve housing growth. I also recognise that the shared driveway would be the only example in Alderney Road, but to my mind this would not be detrimental in itself or raise any adverse concerns in relation to local character.
8. The Council refers to London Plan (LonP) policy D3, highlighting the importance of legible entrances to buildings. It strikes me that this requirement should be read in the context of the whole of criterion D2, which appears to link legibility with a need to encourage and facilitate active travel, not to potentially fetter many backland proposals. Table 3.2(ii) of the LonP seems to relate to larger residential schemes for multiple units, rather than piecemeal development like the appeal proposals before me. Even if I am wrong on both these issues, I remain satisfied that the built form, massing and height would be appropriate to the surrounding context, and any perceived legibility issues would not equate to actual demonstrable harm.
9. Overall I form the view that the proposed development is acceptable in relation to its backland positioning, and would not adversely affect the character and appearance of the surrounding area. It would meet Policies D3 and D4 of the LonP and Policy DP11 of the Bexley Local Plan April 2023, which seek to ensure development of an acceptable scale and design that responds to local distinctiveness.

Conditions

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. In addition to the standard implementation condition, the approved plans are listed for certainty. A further condition requiring the submission of external materials would provide for a satisfactory appearance.
11. Given the close relationship between the existing and proposed plots, removing Classes A, B and E and change of use permitted development rights is both reasonable and necessary to protect the living conditions of neighbouring occupiers.
12. Conditions relating to biodiversity, renewable energy and the green roof would enhance the ecological and sustainable credentials of the development. Car parking, cycle and refuse storage can be addressed and would ensure provision

of such elements on the site. It is necessary to impose conditions concerning potential land contamination to minimise the impact on the local environment.

13. The installation of electric vehicle charging points, water efficiency measures and accessibility are matters covered by the Building Regulations and so conditions in these regards are unnecessary.

Conclusion

14. With respect to all issues advanced, the appeal succeeds.

C Hall

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: 280-E002C, 280-P001B, 280-P002B, 280-P003A, 280-P004B, 280-P005, 280-P201A, 280-P202A.
- 3) Except for demolition, no development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details.
- 4) No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the LPA.
- 5) Prior to occupation of the development hereby approved, details of biodiversity improvements, including bird nesting boxes/bricks to be incorporated into the development shall be submitted to and approved in writing by the LPA. Bird nesting boxes/bricks should be suitable for urban living bird species. The details shall include the exact location, number specification and design of the habitats. The boxes/bricks shall be installed within the development prior to the occupation of the development in accordance with the approved details and shall be maintained as such thereafter.
- 6) Except for demolition, no development shall take place above slab level until details of sustainable design measures to address the requirements of Policy DP30 of the Bexley Local Plan shall be submitted to and approved in writing by

the Local Planning Authority. The development shall be carried out in accordance with the approved details, and maintained as such thereafter.

- 7) Except for demolition, no development shall take place above slab level until details of the design, specification and maintenance of the green roof shall be submitted to and approved in writing by the LPA. The green roof shall be in accordance with the Green Roof Organisation Green Roof Code of best practice; and, shall be provided in accordance with the approved details prior to the first use of the building upon which it will be situated, and shall be maintained as such thereafter.
- 8) The dwelling shall not be occupied until the driveway, parking and turning areas have been laid out within the site in accordance with drawing no. 280-P002B and the areas shall be kept available for those uses thereafter.
- 9) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 280-P002B for bicycles to be stored and that space shall thereafter be kept available for the parking of bicycles.
- 10) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 280-P002B for refuse storage and the space shall be kept available for that use thereafter.
- 11) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the LPA. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the LPA. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the LPA.
- 12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the LPA. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the LPA. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the LPA. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.
- 13) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the LPA. No occupation or use of the development shall take place until the scheme has been approved. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved scheme.