



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: 1st March 2024

Appeal Ref: APP/D5120/W/23/3325075

45-47 Nuxley Road, Belvedere DA17 5JN

- 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 Alan Fitzgerald against the decision of the Council of the London Borough of Bexley.
 - The application Ref 22/02801/FUL, dated 10 November 2022, was refused by notice dated 24 March 2023.
 - The development proposed is for the demolition of the redundant ancillary buildings to the rear of the site and erection of a single storey three-bedroom dwelling.
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Decision

1. The appeal is dismissed.

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 This has superseded all policies contained in the Council's Unitary Development Plan (2004) and the Core Strategy (2012).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 Issues

3. Having regard to the Council's decision notice, the main issues are:
 - the impact on the living conditions of future occupants of the property in respect of outlook, external amenity space and access;
 - 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; and
 - fire safety and construction.

Reasons

Living conditions

4. The appeal site is located in a backland setting, bounded by the curtilages of properties on Nuxley Road and Stapley Road. The locality is broadly characterised by commercial and residential units situated within urban surrounds.

5. The block plan shows a front garden, which would be the only external amenity space provided for the scheme. This would have extremely limited separation between the dwelling and the boundary of the site; it is a hallmark of being an afterthought rather than carefully designed and well-integrated amenity area. The need to provide boundary treatments for privacy would mean the space experiences an adverse sense of enclosure. This would result in an oppressive outlook for future occupants, and have a significantly limiting effect on the usability and function of the garden for family occupation.
6. For similar reasons, I am of the view that the internal rooms would also endure a poor environment, with the windows serving the bedrooms and living area facing out onto boundary treatments in very close proximity. This would be exacerbated by the northerly orientation of the openings, and as a consequence the accommodation would receive only limited daylight and sunlight. I have not been provided with an assessment in this respect to convince me otherwise.
7. I appreciate that the internal floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height, would be in accordance with the Technical Housing Standards - Nationally Described Space Standard. However, this does not outweigh the harm I have identified previously.
8. Access for the new dwelling would be via an alley from Nuxley Road, which presently serves the existing outbuildings. Such an arrangement would be frequently repeated elsewhere in this metropolitan area, for example to flats over shops. In my view, this would represent an acceptable means of pedestrian admittance for the development.
9. Whilst I consider that a satisfactory access would be provided, I conclude on this ground that the scheme would have a detrimental impact on the living conditions of future occupants of the property in respect of outlook and external amenity space. There would be conflict with Policies D3 and D6 of the London Plan 2021 (LonP), Policy DP11 of the LP, the Mayor of London's Housing Supplementary Planning Guidance 2016 (SPG) and Bexley's Design for Living Supplementary Planning Document (SPD). Collectively these require new development to provide, amongst other things, appropriate levels of outlook, daylight and other forms of amenity.

Backland positioning/character and appearance

10. I saw at my site visit that there are a number of other dwellings in the neighbourhood in backland settings, for example along Lessness Road and Standard Road. Moreover, in this high-density locality many properties are set immediately adjacent to plot boundaries, and with only minimal separation distance between built form.
11. Being single storey in nature and located on an inconspicuous plot away from the public domain, I consider that the proposals would not have a deleterious effect on the character and appearance of the area. I acknowledge that the elevations would be constructed close to the perimeter of the site, however this would not appear out of place in these built-up environs. Moreover, such a layout would not be appreciably different to the existing buildings on the land.
12. The Council refers to Policy D3 and Table 3.2 of the LonP in this respect. Whilst I recognise the need for coherent and legible development, it is also necessary

for me to consider whether built form, massing and height would be appropriate to the surrounding context as set out in LonP Table 3.2(i). I am satisfied that the proposal would be appropriate in these regards. Moreover, I am cognisant of the requirement to optimise site capacity; given the demand for housing in London, the effective use of land is necessary to achieve housing growth. Finally, in my view care should be taken in determining the need for development to have a clear entrance with a street frontage, as advocated by the Council, as this could potentially conflict with the overall aims of Policy DP2 of the LP, which states that proposals for new dwellings on small brownfield sites, including infill and backland sites, will generally be encouraged. It may also prejudice the consideration of other proposals within the site or nearby.

13. Taken in the round, the bungalow would be acceptable in relation to its backland positioning, and would assimilate with the character and appearance of the surrounding area. It would meet with Policies D3, D4 and D6 of the LonP, Policy DP11 of the LP, the SPG and the SPD, which cumulatively seek to ensure development of an acceptable scale and design that responds to local distinctiveness.

Fire safety and construction

14. Policy D12 of the LonP, which concerns fire safety, states that development achieve the highest standards of fire safety with regards to its design. It only requires proposals for major development to submit a 'Fire Statement'. The appeal scheme is not for major development and consequently only criterion A of Policy D12 requires consideration in respect of the appeal proposal.
15. Bearing in mind the information set out in the appellant's grounds of appeal, I am satisfied that the provision of suitable fire safety measures can be achieved and would not result in a requirement to significantly redesign elements of the proposal before me. I am also aware that there have been no objections in relation to servicing or maintenance, and that the construction process can be controlled using a management plan. I consider that such matters could be addressed by condition.
16. Whilst acknowledging the importance of fire strategy and access for construction purposes to achieve the highest standards of safety for all users, I am of the view that there would be no conflict with the aims, objectives and requirements of Policies DP2 and D12 of the LP.

Conclusion

17. Although I have not found harm in respect of the backland position, the character and appearance of the area, access and fire safety, the appeal proposal would be injurious to the living conditions of future occupants of the property in respect of outlook and external amenity space. Given this reasoning and based on all matters advanced, the appeal is dismissed.

C Hall

INSPECTOR