



Appeal Decision

Site visit made on 16 April 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 MAY 2024

Appeal Ref: APP/D5120/W/23/3331538

Land Rear to no. 13A Florence Road, Abbey Wood, London SE2 9HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Jiang against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 23/01216/FUL.
 - The development proposed is the erection of a two-storey 1-bedroom house with a garden, plus waste, recycling and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development above, which is taken from the application form, the proposed development would be more concisely described as the erection of a detached two-story dwelling with refuse and cycle storage. The Council made its decision on this basis and so shall I.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of neighbouring occupants, with particular regard to outlook; and
 - whether a satisfactory standard of accommodation would be provided for future occupants, with particular regard to outlook and outdoor amenity space.

Reasons

Character and appearance

4. I accept that there is some variation in dwelling design within the wider area and that alterations to properties within Florence Road and Fendyke Road have taken place over time. Nevertheless, the established properties along both Florence Road and Fendyke Road are broadly uniform in their appearance, setback from the highway behind gardens, forecourts and driveways, and are finished in similar materials.

5. The siting of the proposed development, which would be highly visible from public vantage points, would be at odds with this, introducing two-storeys of development directly adjacent to the footway and forward of the established building line of Fendyke Road. Consequently, the proposed dwelling would relate poorly to, and fail to respect, its surrounding context.
6. I accept that the overall height of the proposed dwelling would be below that of the neighbouring properties. I also acknowledge the appellant's reference to the use of the 45-degree line test and their argument that the introduction of greenery and architectural details have been introduced to soften the building's appearance. However, these approaches do not reduce the overall prominence of the dwelling in the streetscene, which predominantly results from its position within the site. There is no compelling evidence before me that persuades me that the proposed siting of the dwelling within the site is appropriate.
7. Whilst the detailed design of the property is contemporary, and the plot size and arrangement would differ from adjoining sites, I do not consider this, in isolation, to be harmful. Moreover, I do not consider the dwelling to appear cramped in its plot and I acknowledge the use of high-quality materials (noting in particular the use of Petersen bricks). However, the lack of harm in these respects does not outweigh or overcome the harm that I have identified above.
8. Overall, the proposed development would harm the character and appearance of the surrounding area, contrary to the relevant provisions of Policy D3 of the London Plan (2021) and Policies SP5 and DP11 of Bexley Local Plan (LP, 2023). These policies, in summary, seek to promote high quality design in development which respects existing character and context. This is in a similar vein to the objectives of the National Planning Policy Framework (the Framework) insofar as good design is concerned.

Living conditions

9. The proposed development would be positioned to the west of the rear elevation of Nos 13A (ground floor flat) and 13B (first floor flat). Rear-facing windows on both the ground and first floor face directly onto the appeal site.
10. A boundary treatment is proposed close to the rear-facing window of No 13A. This window serves a bedroom. Given the proximity of this window to the proposed boundary treatment, a separation distance of only 1.8 metres would be provided. This is compared with the currently uninterrupted outlook obtained across the appeal site. Accordingly, the proposed development would form an overbearing and oppressive feature which would result in an unacceptable loss of outlook to the occupants of 13A.
11. That, as the appellant sets out, the occupants of those neighbouring properties have no claim to the appeal site does not justify granting permission for a harmful development.
12. By reason of the position of the windows within the proposed dwelling, there would be no unacceptable loss of privacy to the occupants of 13A or 13B as a result of the proposed development. However, this does not overcome or outweigh the harm identified above.
13. Overall, I conclude that the proposed development would have a harmful effect on the living conditions of the occupants of neighbouring properties, with particular regard to outlook. This would be contrary to the relevant provisions

of LP Policy DP11, which in summary seeks to ensure appropriate living conditions. This is in a similar vein to the provisions of the Framework and Bexley's Design for Living Supplementary Planning Document (2006) insofar as living conditions are concerned.

Standard of accommodation

14. While I accept that outlook from the living room would be more limited than is typically expected for a room of this nature, the design of the dwelling is such that outlook, and living conditions taken as a whole, would to an acceptable standard.
15. Whilst the garden area of the proposed dwelling may experience some overlooking from nearby residential properties, this would not be unacceptable in this urban location, where similar such arrangements are common. Moreover, the garden area would be guarded from passing public views by reason of the proposed boundary treatments.
16. Overall, the proposed development would provide a satisfactory standard of accommodation for future occupants, in compliance with the relevant provisions of London Plan Policy D6 and LP Policy DP11. These policies, in summary, seek to ensure a high standard of amenity. This is in a similar vein to the provisions of the Framework insofar as living conditions are concerned.

Other Matters

17. The appellant sets out that the proposed development is acceptable in principle and that the site does not lie within a conservation area. However, these are not matters in dispute and do not lead me to an alternative conclusion on the main issues.
18. My attention is drawn to a previously approved development at 49 Standard Road, Bexleyheath. However, I have limited information of that scheme before me or the planning balance there. Accordingly, I have insufficient evidence to draw any comparisons between the two sites. The existence of that planning permission does not lead me to an alternative conclusion on the main issues.
19. I accept that pre-application advice was obtained by the appellant. However, such advice is not determinative in this appeal.

Conclusion

20. For the reasons given above, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR