



Appeal Decision

Site visit made on 29 April 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2024

Appeal Ref: APP/D5120/W/23/3328590

Ducketts Yard, rear of 10-22 Station Road, Crayford, Kent DA1 3QA

- 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 IL and BA Barlow against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 22/03118/FUL.
 - The development proposed was described as 'demolition of existing single storey garages/workshops and cab booking office and construction of 5 office/workshop units'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. After its decision the Council adopted the Bexley Local Plan April 2023 (BLP). It supersedes the Council's Unitary Development Plan 2004 and Core Strategy 2012, so the policies cited in its officer report and decision notice. The Council referred to BLP policies in its appeal statement and the appeal questionnaire provided copies of BLP policies so the appellant had an opportunity to consider these in final comments. I have determined the appeal on this basis.
3. With the appeal the appellant submitted two amended plans¹. They show minor changes to car and cycle parking on the site, some new annotations and door openings in a building next to the site. This would not fundamentally change the description of development or result in a substantial difference to the proposal. The Council had an opportunity to consider these plans in its appeal statement and I am satisfied that re-consultation is not necessary, so there would be no procedural unfairness. Consequently, I have used the amended plans in determining the appeal.
4. The application form stated the proposal is for B1(a) and B1(c) uses. These former office and light industrial uses are now within Class E commercial, business and service uses – specifically Class E(g)².

Main Issues

5. The main issues in this appeal are:
 - the effect of the proposal on the living conditions of the existing occupiers of flats at No.8 Townhall Square and Nos.10-22 Station Road, with regard to outlook;

¹ Drawing numbers BI/501/C and BI/503/B

² The Town and Country Planning (Use Classes) Order 1987 (as amended)

- whether there would be satisfactory arrangements for fire safety;
- whether there would be sufficient on-site car parking and the effect of this on existing car parking on the site; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

6. A tall block of flats next to the site, on its north side, includes No.8 Townhall Square³. It is a 'ground floor' flat in this part of the block but at about first floor height in relation to the lower site level. No.8 is nevertheless surrounded by taller development which restricts short views from it broadly to the west and east. These are from Juliette balcony glazed doors with narrow full height side glazed panels in two bedrooms and patio glazed doors in a kitchen/living area (the windows). Also from an outdoor projecting corner balcony amenity area. The least constrained, so most important aspect from these parts of No.8 is to the south and southeast, over the top of the existing flat roofed building on the site and across the rest of it which is an open yard.
7. The closest corner and taller eaves level of the proposed building would be about 4m from the opposing corner of No.8 and the nearest kitchen/living area window. Though not shown in the appellants' layout plan, it would be within about 2.5m of the corner of the balcony, no more than about 5m from the furthest balcony edge and not significantly further from the two bedroom windows. As a result, the vertical rear elevation of the building would abruptly truncate these seated views from the balcony (over the safety screen) and from these habitable room windows. While the roof would be shallow pitched at the rear with less depth than at the front, the long main ridge would still be notably taller than the eaves. So, even though the roof would recede away from, and increasingly at an angle to, No.8 (as would the rear elevation) it would block these horizontal standing views from the balcony and these rooms.
8. The site is in a built-up area so inevitably in close proximity to existing development. However, No.8 is already largely enclosed by tall buildings or buildings on higher ground so it is a particular constraint in this case. While there would be some perpendicular views of about 8m to 12m from the kitchen/living area windows, they would be appreciably less than the Council's 22m standard for opposing, or 16m flank wall, separation distances so not alleviate the intrusive presence of the taller building. Upward views towards the sky would be unaffected but as the only remaining longer distance views they would not fulfil the same purpose so not provide adequate compensation.
9. The first floor flats above commercial premises at Nos.10-22 Station Road, on higher ground, include rear facing habitable room windows. Some views from these windows are also restricted by the taller surrounding development, but not immediate views across the existing building on the site and the yard at a lower level. By virtue of its siting, the increased height and depth of the building would infringe the 22m opposing separation distance to these windows by differing moderate degrees of shortfall. However, the two-storey facing vertical front elevation and eave and roof levels of the building would remain

³ Also referred to as Unit 13 and Town Hall Square

below cill height of these windows. So, while it would be seen as a taller building, it would not restrict the most important horizontal views and main aspect from these windows.

10. I find that by virtue of its siting, two-storey height and roof form design, the overall scale, massing and extent of built form in the building would be unduly overbearing and oppressive, so cause significant harm to the living conditions of the existing occupiers of No.8 Townhall Square with regard to outlook. Consequently, the proposal does not comply with BLP Policies SP1, SP5 or DP11. These policies seek to achieve desirable places to live and by design of development, including relationships between buildings, enhance wellbeing, ensure an appropriate level of outlook and protect existing properties' amenity.

Fire safety

11. In floorspace and site area terms the proposal is not major development for the purpose of Policy D12(B) of the London Plan March 2021 (LP) so does not need a Fire Statement⁴. However, part (A) of this policy requires all development to achieve the highest standards of fire safety for all users by the measures set out in criteria (1) to (6). An objective of LP Policy D12(A) includes that these are considered from the outset to ensure development is safe⁵. But I have not been informed why (2), (3), (5) and (6) could not in this case be secured by a condition or using different powers, such as Building Regulations.
12. However, a suitably positioned unobstructed outside space has not been identified for fire appliances or an evacuation assembly point (1). Also, despite egress front and back through each unit, a narrow path next to the building at the rear would have one exit into part of the site. Were this route obstructed, the other end of the path exits onto land inside a fence line but not within the red line of the site. So, on the face of it, no means of escape around this end of the building because it would be hard up against this boundary. There is no evidence that the appellants own or control this extra slither of land, so for instance could not prevent it being fenced off from the site; or that they have a right of way over it. Exit through another unit cannot be relied on as it may not be occupied at the time of fire (4). These considerations are relevant to the proposed layout of the site and a decision to grant planning permission, so cannot be left to a condition.
13. Accordingly, I find that the proposal would not make satisfactory arrangements for fire safety, so it does not comply with LP Policy D12(A)(1) and (4).

Car parking

14. The number of car parking spaces would not exceed the Council's maximum standard and the number of cycle spaces would meet the minimum standard. The site has moderate access by bus and a railway station within walking distance so is in a defined Sustainable Development Location. Some staff or customers of the units could travel by these means or walk. Albeit a limited number of bays, also serving the other commercial premises in this parade, some customers could use short stay on-street parking in Station Road in front of the site. There is no apparent reason why a travel plan to deliver these arrangements could not be secured by a condition. In these circumstances, and the absence of compelling argument to the contrary, I consider that the

⁴ LP Annex 3 Glossary

⁵ LP paragraph 3.12.1

proposal could satisfy BLP Policy DP22 as it would facilitate or promote sustainable transport.

15. The garages on the site are not used by the existing occupiers of flats above Nos.10-22 Station Road. However, though a snapshot, in the absence of evidence to the contrary, I saw that the yard is used to park many cars or vans likely associated with the garage/workshop and cab booking office uses on the site or the commercial premises at Nos.10-22, as well as some occupiers of the flats above. The proposed building is slightly longer but notably deeper than the existing building so the yard would be materially smaller in some dimensions and in area. As a result, the layout of the building and the proposed car and cycle parking would significantly reduce parking in the yard.
16. There is no evidence about any management of, or rights to use, this parking. Station Road is a Borough Distributor Road and the temporary parking in this part of it is limited to 1 hour with no return within 1 hour, Monday to Saturday 8.00am to 6:30pm. On-street parking elsewhere in this road is controlled by a yellow line waiting restriction between 9:00am and 11:00am Monday to Friday which forms part of a Controlled Parking Zone, including further up the hill, past the railway bridge, resident parking permits. Parking in nearby retail parks or food superstores is up to a maximum 3 hour stay strictly for customers. The appellants have also referred to 'short term parking along the Waterside and Crayford Way' and to 'Tower Car Park' but there is no plan to show their location relative to the site. These considerations are also germane to the proposed layout of the site and a decision to grant planning permission, so cannot be left to a planning condition.
17. I therefore find that while there would be sufficient on-site car parking for the proposal, the appellants have not demonstrated that there would be no significant displacement of commercial or resident car parking from the site which could not otherwise be conveniently met elsewhere. As such the proposal does not comply with BLP Policies SP5, DP11, DP23 and DP24. These policies include that development should respect its context and avoid disturbance to residents or businesses. In addition, provide a delivery and servicing plan and a parking management plan to avoid significant negative effects on the safety of any users and the operation or efficiency of the local road network.

Character and appearance

18. Broadley speaking, arranged around one side of the site are the undulating older, terraced buildings fronting Station Road. The main parts of these are two-storey but on higher ground, with some single-storey rear extensions or outbuildings stepping down towards the existing building lower down on the site. Arranged around the other side are the tall modern blocks of mainly flats in Townhall Square, also on higher ground than the site. While much of its structure and fabric is worn out, the long single-storey flat roof form of the existing building on the site nestles into the albeit compact, mostly open yard at the bottom of this hollow surrounded by taller development.
19. The footprint of the existing building occupies less than half of the yard area, as would still the moderately larger footprint of the proposed building. It would be no closer to the rear boundary of the site and not materially closer to each of the other site boundaries. Much of the tall rear elevation would be next to an open parking area at the base of the block of flats in Townhall Square with a

wide gap to an elevated pedestrian access walkway further behind. The first floor internal space would be partly contained in the asymmetric roof form as a mezzanine, so not a full conventional upper floor height, with a lower eaves level along the top of the front elevation, facing the yard and the terraced buildings in Station Road.

20. As a result, despite this additional floor, the layout, siting, height and scale of the proposed building would not appear unduly imposing or dominant in relation to this surrounding development or appear overly cramped on the site. The increased massing and overall bulk of resulting built form would be relatively modest and not overly erode this pocket of space, so not incompatible given this context. Public appreciation of the building would be limited and glimpsed in nature – one lower corner end from a pavement view passing the narrow vehicle access way undercroft at No.14 Station Road; and downwards, mostly of the roof and upper first floor part of the building, from a short section of the pedestrian walkway in Townhall Square.
21. Consequently, I find that the proposal would cause no harm to the character or appearance of the area. As such it complies with BLP Policies SP1, SP5, DP11 and with LP Policy D4. These policies include that development should be high quality in design to create desirable places to live and work. Also, that it respects or complements existing character and context and contributes positively to the local environment including relationships between buildings and spaces having regard to layout, height and materials.

Other Matters

22. The proposed commercial uses would, by definition⁶, be suitable in a residential area and the proposal would not adversely affect the living conditions of existing occupiers of residential properties by reason of privacy or natural light. A condition could control hours of opening or use of the units to avoid undue noise or disturbance. Subject to conditions there would be satisfactory arrangements for storage of refuse and recycling and for drainage. Also, a construction logistics plan could ensure the development was carried out with limited disruption to people or businesses, including hours of working and to ensure investigation of potential residual gas from nearby former contaminated land with, if necessary, mitigation measures. The absence of harm in these regards is a neutral factor in my decision.

Planning Balance

23. Redeveloping the site with a modern building split into small units for these commercial uses is acceptable in principle under the Council's development plan. Although there is no objective evidence, there is no apparent reason why it would not likely provide an opportunity for small local businesses. It would also generate a Community Infrastructure Levy payment to the Council. The building would be well-designed and subject to a condition, could use high quality external materials, so result in a notable betterment to general visual amenity in the yard. A condition could also ensure there was ecology enhancement at the site.
24. These outcomes would be aligned with objectives of the National Planning Policy Framework (NPPF) to allow businesses to start up, invest, expand or

⁶ Class E(g)

adapt and by such growth and productivity support the local economy, including by efficient use of urban land. The proposal would also deliver aims of the NPPF to achieve well-designed places that add to the overall quality of an area, are sympathetic to the surrounding built environment and conserve the natural environment by net gain in biodiversity.

25. However, there would be material harm to some peoples living conditions. The proposal would also not make satisfactory arrangements for fire safety and it has not been demonstrated that there would be no significant displacement of car parking from the site. This would be at odds with the development plan, which is consistent in these respects with other aims of the NPPF. These include to ensure that development functions well with a high standard of amenity for existing users. In addition, to create places that are safe for future users and mitigates adverse environmental impacts of traffic and patterns of parking to avoid significant impact on the transport network or highway safety.
26. In my view, the support in the NPPF which seeks to optimise the development potential of a site, should not be at the expense of ensuring an appropriate amount of development that is satisfactory for those who would experience it as part of their living or working conditions, or as existing or future customers and clients. Once built these adverse impacts would be permanent, so these considerations have substantial weight against the appeal.
27. The benefits of the proposal do not, therefore, outweigh the harm.

Conclusion

28. The proposal conflicts with certain policies of the development plan. There are no other material considerations in this case, including relevant provisions of the NPPF, to indicate that the decision should be made other than in accordance with the development plan taken as a whole⁷.
29. Consequently, for the reasons given above the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR

⁷ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended)