



Appeal Decision

Site visit made on 4 June 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 JUNE 2024

Appeal Ref: APP/D5120/W/24/3338106

21 Eversley Avenue, Bexleyheath, DA7 6RD

- 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 Mr Rajta against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 23/02253/FUL.
 - The development proposed is the demolition of existing outbuilding and construction of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area;
 - The effect of the development on the living conditions of the neighbouring occupiers of 21 Eversley Avenue with particular regard to light and outlook; and
 - Whether the development would provide adequate fire safety standards.

Reasons

Character and Appearance

3. The appeal site comprises a semi-detached dwelling and its rear garden. The site is located on a corner plot at the junction of Beechcroft Avenue and Eversley Avenue, within an established residential area characterised by a mix of two-storey semi-detached dwellings and bungalows. There is a large derelict outbuilding within the rear garden, located near the northern boundary of the site. It is also important to consider that the land levels raise steeply within the plot, in a northerly direction. Many properties in the vicinity have large rear gardens with small outbuildings.
4. The proposed single storey dwelling would occupy a large proportion of the rear garden. Whilst the appellant states that its siting would be consistent with the spatial arrangement of the local townscape, it would not entirely align with the front elevations of the dwellings fronting Beechcroft Avenue, which form a strict building line. It would also sit within a very small plot compared to

neighbouring properties. The proposed building would thus jar with the pattern of development and would be read as a discordant addition to the area.

5. Furthermore, despite its modest scale, the proposed dwelling would not appear visually subordinate in this location. Given the land levels and close proximity to the host dwelling, it would appear as an obtrusive structure that would dominate the existing property.
6. The appellant states that the development would have an appropriate roof profile and be finished with sympathetic materials. However, the dwelling would have a bland appearance. In particular, its south elevation would have just one window in the bottom corner of the façade. As a result, it would feature a vast amount of plain brick wall, giving it a dull and inarticulate look. Its elevated siting within a corner plot means it would appear prominently in the street scene. It would thus be seen as an awkward and incongruous structure in the immediate context.
7. Given the above, the proposal would harm the character and appearance of the surrounding area. It would conflict with policies SP5 and DP11 of Bexley's Local Plan (2023), as well as Policies D3 and D4 of the London Plan (2021) which, together, seek to ensure proposals are well-designed, have a form and layout that enhance local context and contribute positively to the street scene. The proposal would also conflict with the National Planning Policy Framework (2023) (the Framework) insofar as it requires good design, and for increases in density to respect the character of the area.

Living Conditions of Neighbours

8. 21 Eversley Avenue has rear facing ground floor and first floor windows serving habitable rooms. Although the proposed dwelling would be single-storey and have a pitched roof, it would be located in close proximity to No 21 and at an elevated position. The proposal would therefore unacceptably dominate the outlook from the rear facing windows and would be overbearing on the patio area triggering an undue sense of enclosure for the neighbouring occupiers.
9. Having had regard to the positioning of the buildings, it is considered that the proposed dwelling would not overshadow the existing dwelling or lead to an unacceptable loss of light for the occupiers.
10. Given the above, the development would harm the living conditions of the occupiers of 21 Eversley Avenue with regards to their outlook and sense of enclosure. It would conflict with Policies SP5 and DP11 of Bexley's Local Plan (2023) and the guidance contained within Bexley's 'Design for Living' Supplementary Planning Document (2006) which, together, seek to ensure that proposals do not unacceptably affect the amenity of neighbouring residents.

Fire Safety

11. The appellant has failed to provide a Fire Safety Statement and I am not satisfied this can be dealt with by the imposition of a pre-commencement condition. I am unable to effectively assess whether the proposed dwelling would ensure the safety of the future occupiers with regards to fire risk.
12. The proposal has therefore failed to demonstrate that adequate fire safety standards would be met. It conflicts with Policy D12 of the London Plan which

seeks to ensure that development proposals achieve the highest standards of fire safety.

Other Matters

13. The existence of a similar development on Appledore Avenue would not provide justification for a further development that I consider would be harmful to the character and appearance of the area as well as the living conditions of neighbouring occupiers. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
14. Furthermore, the limited benefits of the provision of a new home in this location would not outweigh the significant harm I have identified.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
16. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR