



Appeal Decision

Site visit made on 02 July 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/D5120/W/24/3336209

Land rear of 104 Lion Road, Bexleyheath, Bexley DA6 8PQ

- 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 Miss Basya Lew of South Hill Estates Ltd against the decision of the London Borough of Bexley.
 - The application Ref is 23/01971/FUL.
 - The development proposed is the erection of a single storey dwelling with access, car parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect of the proposed development on the character and appearance of the area and its effect upon the setting of a locally listed building.

Reasons

Character and appearance

3. The existing development within this area is characterised by road frontage development. The dwellings in the area have undeveloped long rear gardens.
4. A dwelling to the rear of this property would be out of keeping with the prevailing pattern of development in the area. Being single storey it would not reflect that of the two-storey road frontage properties. Hosting a driveway to the rear and parking area would add further discordant development at the rear of No.104. As such, the proposed development would be out of character with the regular rhythm to the pattern of development in locality, be of a scale that would not reflect the frontage street scene development and would result in the loss of openness at the rear of the site that is characteristic of this area. Consequently, for these reasons, the proposed development would be harmful to the character of the area.
5. The bungalow, being single storey and located to the rear of No.104 and being subservient in scale and height to the surrounding properties, would not be visible in views from Lion Road or visible within the Lion Road street scene itself. However, the harm to the character of the area would be clear in the outlook from the rear of No.104 and other neighbouring properties. Retaining

or enhancing boundary landscaping would not mitigate the harm arising from the development.

6. For these reasons, I conclude that the proposed development would be harmful to the character of the area. The proposal would, therefore conflict with Policy D3 of the London Plan 2021 and Policies SP5, SP8 and DP11 of the Bexley Local Plan 2023 and the provisions of the National Planning Policy Framework 2023. These policies seek, amongst other matters, development to respect the existing character and context, to have regard to the character of the surrounding area, to protect the best elements of Bexley's character and to safeguard gardens and other amenity green spaces.

Locally listed building

7. The small block of terraces to the front, which includes No.104, are locally listed buildings (non-designated heritage assets) which date to the late 19th Century. They represent the early and historic development of this part of the area. Whilst there have been some alterations to the locally listed buildings, the properties remain as an attractive group that contribute positively to the character of the street scene. The significance of the buildings as a heritage asset derives from their setting and appearance as a terrace of domestic properties dating from the Victorian period.
8. I have been provided with a plan relating to the approved location of the refuse store relating to a previous planning permission to convert No.104 to flats. The plan shows the refuse store to be positioned within the frontage of the site alongside the boundary with No.102 and where the driveway access is now proposed. The new access way would be impeded by the approved location of the refuse storage.
9. The new access would be likely to result in the refuse being moved and potentially stored in a more visually prominent location at the front of No.104. It has been put forward that an amendment to the existing location of the refuse storage could be sought from the local planning authority that could potentially see the relocation of the refuse storage facility to the rear of the property. However, I have no guarantee that this would happen and I must determine the appeal on the basis of the proposal before me.
10. Visual harm would arise from a more visually prominent storage facility within the frontage of this locally listed building and this harm would be clearly visible in public views. Such harm would detract from the setting of this property and group of locally listed buildings as it would have an unacceptable adverse impact on the street scene appearance. As such, this would have a harmful effect upon the historical significance of the building and its contribution to its heritage surroundings.
11. Although the proposal is not within a conservation area and does not relate to a statutory listed building, these matters offer little weight in favour of the proposal as the harm to the locally listed building is not outweighed or obviated by these factors.
12. For these reasons, I conclude that the proposed development would have a harmful effect upon the appearance of the area and the setting of a locally listed building. The proposal would, therefore conflict with Policy HC1 of the London Plan and Policies SP6 and DP14 of the Local Plan and the provisions of

the National Planning Policy Framework. These policies and the Framework seek, amongst other matters, any proposed alteration to a non-designated heritage asset, such as locally listed buildings, to have special regard to the asset's contribution to the streetscape.

Other matters

13. It is appreciated the proposal was subject to the Council's pre-application advice service in which a positive response was provided by the Council. However, it does not fall to me to assess the Council's administrative performance in regard of the advice given. My allocated task is to deal with the proposal as determined by the Council.
14. I note that there has been a previous dismissed appeal at the site. However, from the information provided by the parties this indicates that to be a very different proposal to that which is before me. Therefore, the proposal before me can and should be considered on its own individual merits.
15. I have been directed to Policy DP2 of the Bexley Local Plan that deals with housing in backland and garden type sites that offers support for the proposed development. The existence of other such policies does not justify the setting aside of those development plan policies cited within the Council's decision notice that apply to the proposed development or infer that those policies should be afforded less weight.
16. The proposal would assist in meeting the Borough's current and future housing needs and create a dwelling of a good standard of design that makes use of vacant land. Furthermore, the proposal would not harm existing adjoining occupiers living conditions or cause severe impacts upon the local highway network. It would create an acceptable living environment for future occupiers of the dwelling. Whilst these are all benefits of the proposed development, they do not outweigh my above concerns or justify the proposed development.

Conclusion

17. Having regard to the above the appeal should be dismissed.

Nicola Davies

INSPECTOR