



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/24/3336202
110 Manor Way, Bexleyheath DA7 6JN

- 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 Zhang against the decision of the London Borough of Bexley.
 - The application Ref is 23/01432/FUL.
 - The development proposed is partial demolition of a single storey side projection and the construction of a single storey dwelling with accommodation in the roof space and the construction of rear and side dormers to the existing dwelling to facilitate a loft conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of proposed development from the planning application form although I note it is expressed differently on other documents.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on the relevant implications for the appeal. I have had regard to the revised Framework in reaching my decision.

Main Issues

4. The main issues raised by this appeal are the effect of the proposed development on: -
 - a) The character and appearance of the street scene;
 - b) The character and appearance of the host property and existing adjoining properties;
 - c) The outdoor and indoor living conditions of both the existing and proposed occupiers;
 - d) The living conditions of existing occupiers in respect of privacy;
 - e) Fire safety; and
 - f) Biodiversity.

Reasons

Character and appearance of street scene

5. The proposed dwelling would be located within the side garden associated with the existing dwelling. Much of the open space within the site would be taken over by built development. Despite having a distinguishable setback from the site boundaries there would be limited space around both dwellings. Parking spaces are to be provided for both dwellings. As a result, there would be extremely limited space within each site for usable private outdoor living space for the enjoyment of the occupiers of these dwellings. Taking these matters collectively, the proposal would represent an overdevelopment of a constrained site. The proposal would, therefore, have an adverse visual impact upon the character and appearance of the street scene.
6. I note that other properties in the area have open frontages, such as the Old Manor Road example highlighted. Whilst this may be so, these matters do not overcome my above concerns or justify the proposed development.
7. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the street scene. The proposal would, therefore conflict with Policy D6 of the London Plan 2021 and Policy DP2 of the Bexley Local Plan 2023. These policies seek, amongst other matters, development to provide well-designed housing with a high standard of amenity that makes a positive contribution to the area.

Character and appearance of host property and existing adjoining properties

8. The eaves line of the properties would not align with one another. However, there would be a modest change in eaves level. This would assist the two dwellings to appear as two separate residential dwellings within the street scene. Notwithstanding this, the windows within both the front and rear elevations would differ in design to that of the existing host property. Their size, shape, location and alignment within the elevations also differs. This would create a disjointed appearance to what would become semi-detached dwellings. As such, this would be visually harmful to both the host property and the street scene even if the materials used within the elevations would match that of the host property.
9. Dormer roofs may be common features within townscapes, however, the properties in the area do not generally host flat roofed dormers within their road frontage roof scapes. Dormers would be installed within both roof slopes, as well as a side roof slope. Whilst the dormers would be set down from the ridge and up from the eaves, they would be dominant features within the roof slopes. They would be prominently visible in public views from neighbouring highways. Given the uncharacteristic nature of the dormers in this area, the proposed dormers would be out of keeping features that would be visually harmful to the properties and the street scene.
10. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and existing adjoining properties. The proposal would, therefore conflict with Policy D6 of the London Plan and Policies DP2 and DP11 of the Local Plan. These policies seek, amongst other matters, development to provide well-designed housing that makes a positive contribution to the area.

Living conditions (outdoor and internal living spaces)

11. The proposal would result in small gardens associated with both the existing and proposed dwelling. I have found that the proposal would represent an overdevelopment of a constrained site and that limited outdoor living spaces would be provided. This would not provide an acceptable standard of outdoor living environment for occupiers. Furthermore, having a dual frontage the constrained nature of the site and footprint of the development places limitations upon creating soft landscaping around the site. Notwithstanding there being a large area of public parkland close by, the proposal would not provide acceptable private usable outdoor amenity space on site for both the existing and proposed property.
12. The appellant has provided size calculations for the amenity space for both the host property and proposed property and contends that these are well above the required standards. However, it is not clear how these calculations have been arrived at and whether or not this may include the parking spaces. This matter offers little support in favour of the proposal.
13. All units are required to have a minimum ceiling height of 2.5 metres for at least 75% of the gross internal area of each dwelling. The Council indicates that the sectional drawings illustrate that the first floor accommodation of the proposed dwelling would fail to provide this. However, the appellant advises that there is an overprovision of 15 square metres to account for the slope of the roof. It is contended that those internal constrained height spaces could be used for storage or generally accommodation within the roof space where parts of the room are constrained. However, failure to meet the minimum internal floor area and ceiling heights would result in this development creating poor quality accommodation for its future occupiers.
14. For these reasons, I conclude that the proposed development would be harmful to the outdoor and indoor living conditions of both the existing and proposed occupiers. The proposal would, therefore conflict with Policy D6 of the London Plan and Policy DP2 of the Local Plan. These policies seek, amongst other matters, development to adhere to prescribed internal space standards within new dwellings and to be well-designed housing with a high standard of amenity.

Living conditions (privacy)

15. The proposed side dormer to be inserted within the existing property would create outlook to the south toward the neighbouring property, No 108 Manor Way. This dormer window would serve a bedroom. I saw that No. 108 hosts two first floor windows in its side elevation almost directly opposite the proposed bedroom dormer. Whilst it is said that those windows serve a landing and a bathroom, I cannot be certain from the image of the side elevation provided that this is so. Outlook from the proposed bedroom within the roof, even with an off-set in levels, would have a harmful impact on the privacy of the existing adjoining neighbour occupiers.
16. It has been highlighted that the proposed bedroom would have dual aspect with a second dormer providing a view to the street. It is suggested that the side dormer could be obscure glazed to achieve privacy. However, this would reduce the outlook from the bedroom and reduce the quality of living

environment for the users of this room. Therefore, this would not be a satisfactory solution in this case.

17. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing occupiers in respect of privacy. The proposal would, therefore conflict with Policies DP2 and DP11 of the Local Plan. These policies seek, amongst other matters, development to ensure no unacceptable adverse effects on the privacy and amenity of neighbouring properties.

Fire safety

18. Policy D12 of the London Plan requires all development proposal to achieve the highest standards of fire safety. The appellant advises that this site is very well provided for with roads either side. Fire engines can park where they wish during an emergency. As such there would be on-street space for fire engines in the event of an emergency.
19. Policy D12 is a criteria based policy. One of the criterion sets out that in the interests of fire safety and to ensure the safety of all building users fire safety information should be provided as part of all development proposals. This information should, therefore, be provided in support of the planning application in order for the local planning authority to assess the fire safety acceptability of the proposed development. I cannot be certain that the comments provided by the appellant would satisfy local planning authority requirements as they have been provided post determination.
20. For this reason, I conclude that the proposed development would conflict with Policy D12 of the London Plan.

Biodiversity

21. Policy G6 Criterion (d) of the London Plan sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. Whilst it is suggested this matter could be dealt with by condition, criterion (d) also requires this to be addressed from the start of the development process. Therefore, such information is required to be submitted in support of the planning application that is now the subject of this appeal.
22. For these reasons, I conclude that the proposed development could have a harmful effect upon biodiversity and given the importance placed upon such matters a precautionary approach should be taken. The proposal, without information relating to biodiversity would conflict with Policy G6 of the London Plan.

Other Matters

23. The local planning authority cite policy DP2 in reasons for refusal 1, 2, 3 and 4 however the site is not a backland site nor an infill site. On my reading of that policy the criterion within DP2 represents standard development management points which are nonetheless relevant to this appeal.
24. The proposal would make efficient use of a small site and a modest but positive contribution to family housing within the Borough. There is no highway objection to the proposal and the site does not fall within a conservation area. Whilst these are merits of the proposed scheme, they do not overcome the harms that I have identified above or justify the proposed development.

Conclusion

25. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR