



Appeal Decision

Site visit made on 6 August 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/D5120/W/24/3342453

115 Longlands Road, Sidcup, Bexley DA15 7LQ

- 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 Tomas Pohnetal against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/00159/FUL.
 - The development proposed is the erection of an end of terrace house, conversion of an attic into a habitable space, provision for bin and bike storages and provision for a parking space, associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am aware of both the Deputy Prime Minister and Secretary of State for Housing, Communities, and Local Government's Written Ministerial Statement "Building the homes we need" dated 30 July 2024 regarding changes to the planning system, and the consultation "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" dated 30 July 2024. However, I am content that the issues they both raise are not material to the determination of this appeal based on the evidence before me. As such, there has been no need to seek the views of the parties regarding these proposed changes, and no party would be prejudiced by this.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon Longlands Road Conservation Area (the CA);
 - The effect of the proposed development upon the character and appearance of the pair of semi-detached properties and the area, with particular regard to its scale and design; and,
 - Fire safety.

Reasons

Effect on the CA

4. The appeal site contains a semi-detached dwelling, which has a large side garden. It has a frontage onto Longlands Road, and its side elevation faces

onto York Avenue. The side garden of the appeal site is located within the CA, with the house itself located outside of the designated area. Due to a curve in the road, the appeal site is highly visible on Longlands Road on the approach to it from Station Road, as well as from York Avenue.

5. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 203, the National Planning Policy Framework (the Framework), sets out matters which should be considered, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 205 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The Longlands Road Conservation Area, Area Appraisal and Management Plan, dated February 2008 (AAMP) identifies the area as comprising virtually unaltered 1920's semi-detached residential dwellings, characterised by steep hipped roofs, tiled canopies, porches, and bay windows, typical of the inter-war period. It is also said that the properties have a simplicity to their scale and proportions, including their mainly uniformed rooflines, together with the spaces between buildings, which are all identified as positive features of the CA.
7. The AAMP also specifically refers to the attractive relationship of York Avenue and Longlands Road, which it says forms a pleasing development in the road and it offers a point at which to appreciate the length and breadth of the CA. It further states that to retain the open appearance of the western end of the area and the junction with York Avenue, part of the garden of No.115 Longlands Road (the appeal site) has been included within the CA. These aspects are considered to contribute positively to the significance of the heritage asset.
8. The proposed dwelling would be attached to the side of the existing pair of semi-detached properties, making them into a terrace. The proposed siting would introduce a substantially elongated and different form of built development, that would be wholly alien to the CA, by being much larger than the established pairs of semi-detached properties. Although it is noted that there have been alterations and extensions to some of the properties within the CA since the AAMP was prepared, they have broadly retained their simple hipped roof form and the spaces between buildings.
9. The proposal would also infill part of an important open space on a very prominent part of the CA, as a result there would be views of the proposed dwelling from its front, side, and rear. Such views would be of a discordant feature completely at odds with the established character of the CA and harmfully eroding an open space within it that positively contributes to the significance of the CA. The siting of the proposal would also compromise important views from within, as well as into and out of the CA along both Longlands Road and York Avenue, further harming the significance of the heritage asset.

10. In view of the above, the proposed development would neither preserve or enhance the character or appearance of the CA, contrary to the requirements of the Act. For the same reasons, the proposal would also conflict with Policy DP14 of the Bexley Local Plan, adopted April 2023 (BLP) that amongst other things requires new development to conserve or enhance heritage assets. The proposal would also be inconsistent with the key objectives of the AAMP of preserving or enhancing the significance of the CA, and preventing development that is a threat to it, such as the inappropriate development of spaces that positively contribute to the CA.

Character and appearance

11. The pair of semi-detached properties the proposal would be attached to, have both had alterations to the roofs on their outer sides, and they are also located outside of the CA. Nevertheless, their hipped roof scale and semi-detached form is very much representative of the broad scale and form of those similar properties within the CA and around it.
12. Notwithstanding the proposed setbacks, which it is suggested would create a subservient appearance to No. 115, the addition of the proposed new dwelling attached to its side, would by virtue of its excessive width (its roof ridge would be longer than that of the host property as extended) and its large scale, would unacceptably alter the relatively symmetrical form of the pair of semi-detached properties. Furthermore, as it would be a separate dwelling, it would have its own external door and curtilage arrangement that would clearly distinguish it as a separate dwelling, creating a terrace of properties, which would not be an acceptable continuation of the existing pair of semi-detached properties. The appearance of a short terrace of properties, in the form proposed would harmfully contrast with the appearance of mainly semi-detached properties in the immediate area.
13. It is noted that other extensions and alterations are said to have been undertaken including at No's 105, 107, 109, 111, 117, and 130 Longlands Road. However, none of these have involved side extensions as large as this proposal to create a new dwelling to the side of an existing property. These examples are not comparable to the appeal scheme, and they do not therefore alter my findings above.
14. Although I do find the aspects of the proposal relating to the proposed first floor and roof alterations to No. 115 itself would relate well to its form and appearance, and to the pair of semi-detached properties and the area. However, the design of these proposals is inherently interlinked with the proposed attached dwelling, which has been found to be harmful, these different aspects cannot be severed, so it is not possible for them to be considered separately in this case.
15. Whilst the proposal would use matching materials, and the proposed windows and doors on its front elevation would broadly match those host property, and in view of my findings above regarding the first-floor extension and roof alterations to No. 115 itself, these aspects would not offset the identified harm above.
16. I therefore conclude that whilst I find the design and scale of the proposed first-floor extension and the roof alterations to No. 115 itself to have an acceptable effect upon the character and appearance of the pair of semi-

detached properties and the area, the scale and design of the proposed attached dwelling would be harmful to the character and appearance of the area, and unbalance the symmetry of the pair of semi-detached properties, and conflict with Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (the LP) and Policy DP11 of the BLP, insofar as they require development to be high quality, protect and enhance the character of the area, including spaces between buildings, and that the scale and appearance of new development complements the surrounding area. In addition, there would also be conflict with paragraph 135 of the Framework, that requires new development to add to the overall character of an area, be visually attractive, and sympathetic to local character and history.

Fire safety

17. LP Policy D12 requires all development proposals to achieve the highest standards of fire safety. This includes demonstrating sufficient unobstructed outdoor space for fire appliances; an evacuation assembly point; that buildings are designed with fire safety features including being designed to reduce the risk of fire spread; include a robust fire safety strategy; allow safe means of escape; and provide an appropriate amount of firefighting equipment.
18. LP Policy D12 is a criteria-based policy, and this information should, therefore, have been provided in support of the planning application to assess the fire safety acceptability of the proposed development.
19. Other than stating that the fire safety would be addressed at building regulations stage, and that fire safety measures such as fire rated doors, protected corridor and a fire suppression system such as a mist system could be added, no fire safety information has been provided. This falls considerably short of the information required by LP Policy D12 and does not demonstrate how the development has been designed regarding fire safety, or how fire risks can be adequately mitigated. Whilst fire safety would likely be addressed at building control stage, there is also a policy requirement for it to be considered at the outset of the design of the proposal and incorporated into the planning submission.
20. For this reason, I conclude that there would be insufficient information submitted in respect of fire safety and the proposed development would conflict with LP Policy D12, as set out above.

Other Matters

21. The appellant has said that the planning application was refused without any follow up questions. However, this is a matter between the parties and is not relevant to the determination of the planning merits of the proposal.
22. It has also been said; that the host property is not listed; that there are no tree preservation orders nearby; that there would be no unacceptable effects upon the living conditions of neighbouring occupiers; that it would meet relevant space standards; and that it would not be harmful to highway safety. Although, these are likely to be requirements of any well-designed scheme and are neutral matters that do not weigh in favour or against the proposal.
23. It is noted that the appeal site is within a well-connected area; it has a low risk of flooding; that it would make an efficient use of land; it would incorporate sustainable design features; provide bin storage, new landscaping and

biodiversity improvements; that it would be built to lifetime homes standard; incorporate sustainable drainage; and that it is designed to be secure and provide disabled access. However, these points, either individually or collectively, particularly given the limited scale of the proposal, would not in this case outweigh the above identified harm.

24. The appellant has also raised the presumption in favour of sustainable development in support of their proposal. Whilst it is noted that the proposal would provide an additional dwelling, that would provide a contribution towards Bexley's overall housing supply, this single dwelling would be a very limited contribution. Furthermore, I note the BLP was adopted last year, and I have not been made aware that the Council does not currently have an adequate supply of housing that would warrant paragraph 11 d ii) of the Framework being invoked. Even had the presumption in favour of sustainable development been engaged, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the Framework taken as a whole.
25. I have also had regard to objections received from interested parties, expressing concerns in addition to the main issues above, relating to loss of light and property values. However, I note that these matters were considered where relevant by the Council when it determined the planning application. I can understand the concerns of the interested parties, however, property values are not normally relevant planning considerations. Furthermore, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council in terms of the effect of the proposal upon the living conditions of neighbouring occupiers.

Planning Balance

26. I have found that the proposed development fails to preserve or enhance the character or appearance of the CA. I give this harm considerable importance and weight in the planning balance of this appeal.
27. I find the harm to the CA to constitute less than substantial harm owing to its effect being localised. Although, this does not equate to a less than substantial planning objection, especially where the statutory tests are not met. Paragraph 208 of the Framework requires public benefits to outweigh such harm.
28. In terms of the public benefits of the proposal, there would be a very limited contribution towards Bexley's overall housing supply, given the small scale of the proposal relating to one additional dwelling. There would be economic benefits associated with the construction of the development, which on their own are also likely to be limited. I am not persuaded that the other points raised by the appellant are public benefits, in the context of this proposal. I therefore find the public benefits to be limited in this case, and not to outweigh the harm identified above to the significance of the designated heritage asset. Accordingly, there is conflict with the heritage protection policies of the Framework.

Conclusion

29. The proposed development would be harmful to the heritage asset, the character and appearance of the area, and there is insufficient information provided to address fire safety. As such, the proposal is contrary to the

requirements of the Act, and the development plan when taken as a whole, and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, for the reasons outlined above the appeal should be dismissed.

A Hunter

INSPECTOR