



Appeal Decision

Site visit made on 25 July 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal Ref: APP/D5120/W/24/3336835

Land between 80-82 Hurst Road, Erith DA8 3EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Singh Rattan against the decision of the Council of the London Borough of Bexley.
 - The application reference is 23/02049/FUL.
 - The development proposed is for the construction of an end-of-terrace building comprising 1 no. 1 bedroom and 1 no. 2 bedroom flats, off-street parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the area; and b) the living conditions of the occupiers of neighbouring houses in respect of privacy.

Reasons

Character and appearance

3. The appeal site relates to a two-storey dwelling sited on Hurst Road with off-street parking to the front. The streetscene is residential in nature and comprises long rows of terraced properties in a high-density, urban setting.
 4. Whilst gaps at roof level between properties in the terraces are infrequent, there are other instances to the south along Hurst Road. Such spacing provides a degree of visual relief to the built form and successfully assimilates with the overall appearance of the neighbourhood. Clear views of the rear elevations of buildings on Bexley Road are afforded along the adjacent right of way, the design and appearance being varied in nature.
 5. The appeal scheme would be different in that there would be gaps on both sides at roof level. Whilst this would appear different to the arrangement of other roof forms within the streetscene, I nevertheless consider that would be an appropriate solution in the context of the multifaceted character of the neighbourhood. I also appreciate that 82 Hurst Road is not in the ownership of the appellant, hence the adopted design approach, and that the roof form has been altered in an attempt to address the Council's concerns following a refusal for a previous scheme on the appeal site.
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6. I therefore conclude that the scheme would assimilate with the character and appearance of the area. It would meet with Policies DP2 and DP11 of the Bexley Local Plan April 2023 (LP), which expect new development to be of a high-quality design that reflects and respects the existing character, setting and local context. It would also be consistent with the advice in the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development,

Living conditions

7. The first floor plan shows a rear-facing balcony to serve the unit. This would be positioned centrally within the elevation, and away from the flank boundaries of the site. It would include privacy panels of some 1.7m in height to either side.
8. Despite the small scale of the balcony and the provision of the obscure screens, a direct view of the private patio area immediately outside the rear habitable accommodation of 82 Hurst Road would be still be afforded. As such, to my mind overlooking of this neighbouring curtilage would be materially harmful. In the other direction towards no.80, the outlook would be mainly directed towards the end of the garden and the detached outbuilding, and therefore no adverse loss of privacy would arise.
9. I conclude that the scheme would not protect the living conditions of the occupiers of neighbouring houses in respect of privacy. It would run contrary to Policy DP11 of the LP, which aims to ensure appropriate levels of amenity are provided. It would also be inconsistent with the Framework, which advocates safe and healthy living conditions.

Conclusion

10. Given the foregoing and all other issues raised, the appeal fails.

C Hall

INSPECTOR