

Appeal Decision

Site visit made on 5 September 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal Ref: APP/D5120/W/23/3332243

511 Footscray Road, Bexley, London SE9 3UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Raj Gill against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 23/01442/FUL.
 - The development proposed is conversion of existing outbuilding and erection of a single storey side and front extension to create a part one, part two storey detached dwelling following demolition of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing outbuilding and erection of a single storey side and front extension to create a part one, part two storey detached dwelling following demolition of existing garage at 511 Footscray Road, Bexley, London SE9 3UG in accordance with the terms of the application, Ref 23/01442/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The description of development in the above banner heading has been taken from the decision notice and appeal form as this accurately describes the proposed development.

Main Issue

3. The main issue of the appeal is the effect of the proposed development on the character and appearance of the existing outbuilding and surrounding area.

Reasons

4. The appeal site relates to a detached one and a half storey outbuilding and a detached garage which are located at the end of a long garden serving a two-storey semi-detached property at No 511 Footscray Road. Access to the buildings is via Chartwell Close located to the west of the site and the overall surrounding area has a residential character.
5. The proposed development seeks to demolish the existing garage within the rear garden and the erection of a single storey side extension to the existing

one and a half storey outbuilding to facilitate its conversion into a part single, part two storey dwellinghouse.

6. Properties along Chartwell Close follow an established front-building line which follows the flow of the road. Properties to the rear of the proposed dwelling on Telford Road also have an established rear building line. That said, the appeal site comprises two existing buildings with its own access from Chartwell Close which already forms part of the character of the area.
7. The appeal site contains a large plot with extensive amenity space to the rear and its overall configuration including access arrangements are unique to this individual plot and different from other neighbouring properties/plots. The proposed development would not increase the height of the existing outbuilding and although the extension would increase the size of the footprint of the building in comparison to the existing building, the size of the plot is capable of accommodating an extension of this size without being overdevelopment of the site or appearing as a dominant form of development.
8. The extension would also be single storey, lower than the existing outbuilding and thus would still be read as being a subservient addition with the gable roof of the outbuilding remaining the most dominant/primary element. The Councils' reason for refusal states that the ridge of the proposed single storey extension would be greater than the eaves height of the existing outbuilding. However, the proposed plans show that this would not be the case and I have determined the appeal on this basis. Its overall design and layout including roof form is not so contrasting with the existing outbuilding and other residential properties in the area particularly when taking into account the existing built form that currently exists onsite. As a result, the proposed development being a self-contained residential dwelling would not appear unreasonably discordant or so conflicting with the overall visual coherence of the area.
9. Notwithstanding the above, the proposed development would be set back from the street frontage to the rear of the existing property and at my site visit, I noted that views into the site were somewhat restricted when viewed from Chartwell Close given the setback nature and positioning of surrounding properties/structures and landscaping which further restrict views. The top of the one and a half storey outbuilding was the only visible element which would continue to be the case. On this basis, the dwelling would have very limited impact upon the street-scene. Whilst the site may be more visible from the rear of surrounding properties, the development would still not appear discordant for the reasons already given.
10. For the above reasons, I conclude that the proposed development would not unacceptably harm the character and appearance of the existing outbuilding and surrounding area. As such, it would accord with Policies DP2 and DP11 of the Bexley Local Plan, 2023 which together, amongst other matters, ensures the creation of well-designed developments that respond positively and effectively to the locally specific character of the area.

Other Matters

11. The majority of windows serving the property would be located at ground floor level and thus no loss of privacy would occur. The first-floor bathroom would be served by an existing dormer window and a new window although both would be obscure glazed to protect neighbour amenity as detailed on the plans and I have applied a planning condition in this respect.
12. I appreciate the concerns raised regarding future construction noise/activity and parking matters as well as construction methods associated with the proposed development. Any future construction activity associated with the development can be controlled by a suitably worded planning condition which I have applied.
13. The proposed development would provide 1 dwelling and any movements associated with a development of this size would not be likely to give rise to an unacceptable impact. Additionally, the proposed development would make use of an existing access and would provide an off-street parking space which would deter on street parking.
14. Comments have been made regarding the historical use of the buildings. This would not however alter my findings in relation to the above main issue.

Conditions

15. I have considered the Council's suggested planning conditions in their Statement of Case and in light of the National Planning Policy Framework and Planning Practice Guidance. As a result, I have amended these where necessary for clarity.
16. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition relating to materials is necessary to ensure the satisfactory external appearance of the development. A Demolition and Construction Management and Logistics Plan is also necessary to ensure that the construction of the development is undertaken in a manner which minimises its' effect on the local environment. I have attached the condition relating to sustainable design measures in order to mitigate climate change. Suggested condition 7 appears to be a duplicate of this and thus has been omitted. A condition in relation to an up-to-date scheme of biodiversity and ecological improvements is necessary to ensure the development provides the maximum possible provision towards protection of habitats and valuable areas for biodiversity. Conditions relating to onsite storage and surface water run off as well as water efficiency and surfacing have been applied to ensure the site is sustainably drained in the interest of sustainable development and highway safety.
17. A scheme of soft landscaping is necessary in the interests of the visual and residential amenities of the area. Restriction of parking permits has been applied in the interests of the amenities of the locality. Details of arrangements for storage of refuse, recycling, and cycle storage is necessary to ensure a satisfactory standard of development and to encourage transport via sustainable modes. A condition relating to pedestrian visibility splays is necessary in the interests of highway safety. The suggested condition relating to permitted development rights to control the future development

of the site has not been applied as there is no clear justification for this condition which is not considered to be reasonable in relation to the development to be permitted. I have attached a planning condition relating to obscure glazing to protect neighbour amenity.

Conclusion

18. For the above reasons and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development must be begun within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. 001; Proposed Floor Plans Drawing No. 004A; Proposed Elevations Drawing No. 005B; Proposed Sections Drawing No. 006B; Proposed Block Plan Drawing No. 007B; Proposed Refuse & Cycle Storage Drawing No. 008.
- 3) Before commencement of above ground works a detailed schedule and specification of the materials and finishes to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - Elevational treatment;
 - Windows and doors;
 - Roofing tiles;
 - Rainwater goods and guttering;
 - Boundary treatments, including a plan showing the location and details demonstrating that garden fences will be a minimum of 1.8m in height;

The development shall be carried out and retained in accordance with the approved details.

- 4) Prior to the commencement of development, a Demolition and Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. It is recommended that the submitted Plan is prepared in accordance with the appointed contractor(s). The Plan shall include details of:
 - construction methods and techniques;
 - management of construction and associated vehicle movements and parking, including deliveries of construction materials;
 - means of minimising noise and vibration (including any piling), and compliance with BS 5228;
 - means of minimising dust and similar emissions, in accordance with Air Quality: Best Practice Guidance- The Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance (published by the Greater London Authority, July 2014);
 - construction site lighting;
 - the location of notice boards on the site to include details of the site manager, including contact details (phone, email, postal address) and 'out of hours' contact details.

The development hereby permitted shall only be carried out in accordance with the approved details.

- 5) Prior to the commencement of development (excluding demolition) details of sustainable design measures to address the requirements of Policy DP30 of Bexley's Local Plan (2023) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 6) Prior to commencement of the development hereby approved an up-to-date scheme of biodiversity and ecological improvements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall continue to be implemented for the lifetime of the development.
- 7) No development shall take place until a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority, in accordance with the requirements of Bexley Sustainable Drainage Design and Evaluation Guide (2018). The development shall be carried out in accordance with the approved scheme.
- 8) Prior to occupation of the development, the development shall comply with Building Regulations Optional Requirement Approved Document G2 - Water efficiency (2015 edition). Prior to occupation, evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 9) Prior to occupation of the development details of a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping works shall be carried out prior to occupation or in the first seeding season following practical completion (whichever is earlier) in accordance with the approved details. Any trees or plants which, within a period of 5 years from the carrying out of the soft landscaping works, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.
- 10) Prior to occupation detailed arrangements shall be agreed with the Local Planning Authority and put in place to ensure that, with the exception of disabled persons, no resident or business of the development may obtain a parking permit within the "New Eltham" Controlled Parking Zone at any time.
- 11) Prior to occupation the areas for vehicle parking shall be laid out, surfaced, and drained in accordance with details first submitted to, and approved in writing by, the Local Planning Authority and shall be permanently maintained and available for such use thereafter to the Authority's satisfaction.
- 12) Details of arrangements for storage of refuse, recycling, and cycle storage (including means of enclosure for the area concerned where necessary) shall be in accordance with details shown on Drawings 004A and 008. This

shall be completed to the satisfaction of the Authority before any part of the development is first occupied, and permanently maintained thereafter to the Authority's satisfaction.

- 13) The access to the proposed car parking space shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.
- 14) The development hereby permitted shall not be occupied until the windows serving the bathroom at first floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

End of schedule