



Appeal Decision

Site visit made on 7 January 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/D5120/W/24/3346430

42 Carlton Road, Erith, Bexley DA8 1DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr S Singh against the Council of the London Borough of Bexley.
 - The application Ref is 23/02988/FUL.
 - The development proposed is the demolition of the existing bungalow and the erection of a detached double storey single dwelling house with rear garden shed and garage.
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Decision

1. The appeal is dismissed and planning permission for the demolition of the existing bungalow and the erection of a detached double storey single dwelling house with rear garden shed and garage is refused.

Preliminary Matter

2. The appeal is against the non-determination of a planning application. The Council's appeal statement indicates that it would have refused planning permission for reasons relating to: character and appearance; parking and access arrangements; fire safety; protected trees; ecology; and carbon reduction. The main issues below are therefore taken from the Council's appeal statement.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on road user safety, with particular regard to access and parking arrangements;
 - whether the development would expose future occupiers to an unacceptable fire safety risk;
 - the effect of the proposal on protected trees;
 - the effect of the proposed development on ecology; and
 - whether the proposal would provide suitable carbon reduction measures.

Reasons

Character and appearance

4. The appeal site comprises a detached bungalow within a residential area. It lies on a wide plot on the corner of Carlton Road and an access to the Erith Quarry development. Although there is a mix of dwelling sizes and types in the wider area, this part of the street is largely characterised by semi-detached bungalows which give uniformity to the streetscape on this side of the road. There are also well-established trees along this section of the road frontage and the adjacent access which give a verdant character to the site and immediate locality.
5. The proposal is for a two-storey dwelling, together with a rear garage and shed. The height of the proposed house would be significantly at odds with the neighbouring single storey properties. It would cover almost the entire breadth of the plot, substantially wider than the pairs of dwellings to the east. Due to its height and width, the proposed house would be of considerable mass and scale, incongruous amongst the single storey semi-detached bungalows which prevail along this part of Carlton Road.
6. As a result of its bulk and proximity to the side boundary, the proposed dwelling would appear particularly dominant and discordant in views from the adjacent access road, Carlton Road and the Cavendish Avenue junction opposite. Its overbearing impact on the street scene would be compounded by the lack of proposed landscaping, detracting from the area's leafy character.
7. Consequently, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policies SP5 and DP11 of the Bexley Local Plan 2023 (BLP) where they require developments to be designed to respect the existing character, including ensuring that the height, scale and massing contribute positively to the street scene.

Road user safety

8. Carlton Road is a busy road with no yellow line parking restrictions close by. It has a PTAL of 1b which means it has very poor access to public transport. At the time of my site visit, although only a snapshot in time, there were very few parked cars along this part of the street. There is an existing access at the front corner of the site, with off street parking on a driveway.
9. The proposal would replace the existing two bedroom dwelling with a five bedroom house, the increased occupancy of which would significantly intensify the use of the site. Given the limited public transport locally, future occupants would be likely to be reliant on private vehicles for accessing services. Therefore, the proposed development would be likely to generate a need for parking.
10. The scheme would include a garage to the rear, but this would be accessed via the private Erith Quarry access road and there is no evidence that future occupiers would have permanent right of access to the proposed parking area. Further, although no changes to the existing vehicular access arrangements are indicated, the proposal would result in the loss of existing off-street parking.
11. As future residents are likely to require parking and the arrangements for accessing this on the site are uncertain, the proposal could lead to additional parking on-street. Although there are no parking restrictions on this part of Carlton

Road, additional on-street parking on this busy borough distributor road would disrupt the flow of traffic and thus harm the safety of road users.

12. Therefore, given the uncertain arrangements for access and parking, I conclude that it has not been demonstrated that the proposal would not harm road user safety. This would be contrary to Policy T4 of the London Plan 2021 (LP) and Policy DP24 of the BLP. Together, these require proposals to not increase road danger, including not significantly affecting the safety of road users or the operation of the road network, amongst other things.

Fire safety

13. Policy D12 of the LP requires all proposals to achieve the highest standards of fire safety to ensure the safety of all building users. It seeks the identification of suitably positioned unobstructed outside space for the positioning of fire appliances and for use as an evacuation assembly point, and suitable access for firefighting, amongst other things.
14. No details of fire safety measures have been provided. Therefore, I cannot be satisfied that safe and easy access for emergency vehicles could be provided or that there would be a safe assembly point for future occupiers to evacuate to in the event of a fire.
15. Consequently, I conclude that it has not been demonstrated that the development would not expose future occupiers to an unacceptable fire safety risk. Therefore, I find conflict with Policy D12 of the LP.

Protected trees

16. There are several tall, well-established trees with large canopies around the perimeter and close to the boundaries of the site. Many are protected by a Tree Preservation Order. The proposed house would be significantly higher and wider than the existing dwelling, located much closer to the protected trees than the current building. The proposed garage/shed and new driveway would result in further development in the rear part of the site.
17. However, neither a tree protection plan showing how the trees would be safeguarded during construction nor an arboricultural report to assess the impact of the proposed development on the protected trees have been provided. In the absence of this information, I cannot be certain that there would not be significant risk of damage to trees during construction, including root damage and soil compaction. Further, I cannot be satisfied that the scheme would not lead to pressure from future occupiers to prune or remove them due to shading, falling debris or potential harm from branch or tree failure.
18. As such, I conclude that in the absence of a tree protection plan or arboricultural report, the appellant has failed to demonstrate that the proposal would not harm protected trees. This would conflict with Policy DP20 of the BLP where it seeks to protect aged or veteran trees from loss or deterioration.

Ecology

19. The Council indicates that the appeal site contains several features that have potential to support protected species, such as roosting bats. It states that the site

is near a Site of Importance for Nature Conservation (SINC), but limited details of its location relative to the SINC or the SINC's wildlife interest have been provided.

20. The proposal would result in substantial development close to large trees where protected species may be present. The absence of any ecological appraisal or protected species surveys means that the impact of the proposed development on biodiversity cannot be determined. ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
21. In addition, LP Policy G6 and BLP Policies DP20 and SP9 require development proposals to provide measurable long-term net gains for biodiversity. No details of any ecological enhancements have been provided and as such I cannot be satisfied that the proposal would secure biodiversity net gain.
22. Therefore, I conclude that it has not been demonstrated that the proposal would conserve and enhance ecology. Thus, I find conflict with Policy G6 of the LP and Policies DP20 and SP9 of the BLP where they require proposals to protect and enhance biodiversity assets.

Carbon reduction measures

23. Policy DP30 of the BLP requires minor developments to aim for net zero carbon by reducing greenhouse gas emissions in operation and minimising annual and peak energy demand in accordance with the energy hierarchy in the LP. The energy hierarchy gives high priority to using less energy. Where possible, the Council expects new homes to be designed to achieve high sustainable design standards, such as the BREEAM Home Quality Mark or Passivhaus.
24. There is no information indicating how the proposal would comply with the carbon reduction requirements, and it would be unreasonable to impose a condition when there are insufficient details to demonstrate that its terms would be met. In the absence of this, I cannot be satisfied that the appeal scheme would reduce greenhouse gas emissions and minimise energy demand.
25. Consequently, I conclude that it has not been demonstrated that the proposal would provide suitable carbon reduction measures. As such, it would conflict with Policy DP30 of the BLP.

Other Matters

26. The appellant has expressed general dissatisfaction with the Council's handling of the application. However, this is a matter between those parties, and it cannot have any bearing on my determination of this appeal.

Conclusion

27. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed, and planning permission is refused.

A Wright INSPECTOR