



Appeal Decision

Site visit made on 2 April 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th of April

Appeal Ref: APP/D5120/W/24/3351949

7 Canterbury Avenue, Bexley, Sidcup DA15 9AZ

- 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 Ms Karen Froehlich against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/01919/FUL.
 - The development proposed is demolition of detached garage and construction of 1 x 3 bed detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,
 - the effect of the proposal on the living conditions of the occupants of 7 Canterbury Avenue, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is located within the garden area of 7 Canterbury Avenue. Canterbury Avenue hosts a strong rhythm of semi-detached properties and the occasional terraced row. Within the street scene there are numerous examples of two storey side extensions to properties in an assortment of styles. Nevertheless, there remains a strong character of buildings which host front elevation bay windows, gabled frontages with catslide and hipped roof forms. The proposal, despite its uncommon, detached form and absence of a front bay window feature would promote the use of some of these design characteristics. These include its roof design and the appearance of an extended roof which would be similar to the extended properties found within Canterbury Avenue.
4. However, gaps from the side elevations of properties to the side boundary are generally found in Canterbury Avenue. These gaps create a sense of space between each semi-detached pair. The proposed building would be sited along the boundary to 9 Canterbury Avenue. This would not follow this predominant spacing or rhythm as found within the street scene. As such, when viewed in this context, the building would appear constrained within its plot, due to its close relationship with the side boundary and with No. 7 and No. 9 Canterbury Avenue.

5. The appellant suggests that the proposal would comply with the minimum floor space requirements, would create a functional layout of the rooms within the building and would provide a garden area which is sufficient. It is suggested that the absence of any harm on these matters which is noted by the Council would contradict the reason for refusal given on this main issue. However, whilst these technical requirements of the design of the building have been met, this is a separate matter to character and appearance.
6. An appeal decision at 19 Crescent Road¹ is cited by the appellant. It is contested that this appeal was granted in a much more constrained plot to that considered in this appeal. In my analysis of this appeal decision, the main issues before the Inspector were concerned with matters relating to the living conditions of both the future occupants and neighbouring occupiers. I shall return to this appeal decision later in my decision. The matter of character and appearance was not before the Inspector in that appeal and therefore they did not make a decision on this issue. This is not the situation in the appeal before me.
7. A further example is cited at 1A Canterbury Avenue. I noted during my site visit that this particular area of Canterbury Avenue is different to the immediate area around the appeal site. In this example, No. 1 and No. 3 host a greater set back from the highway and do not form a building line with the next semi-detached unit along this road. As such, there is an absence of an emphasised rhythm between the properties in this location and therefore, the dwelling in this example does not appear unusual or confined in its plot.
8. Two examples are also presented at Thistlefield Close and 1 Bexley Lane. There is limited information provided and an absence of a discussion as to the relevance of these examples to this appeal. However, from the image provided in each case, these examples highlight that there is a different character to that of Canterbury Avenue. With specific regard to 1 Bexley Lane, I note that the buildings within that street scene are not uniform, unlike the immediate area around the appeal site.
9. To conclude, the proposal would conflict with Policy SP5 and DP11 of the Bexley Local Plan 2023 (LP) and Policies D3 and D4 of the London Plan 2021. These policies seek for development to consider the relationships between building and spaces and ensure that its layout is complimentary to the street scene.

Living conditions

10. The proposed dwelling would be located within the garden area of 7 Canterbury Avenue. The distance between the nearest habitable room of No. 7 and the proposed dwelling would approximately be 14 metres. The Design for Living Supplement Planning Document 2006 (SPD) suggests that where new development would abut existing residential development, the distance between facing habitable room windows to a flank wall should be 16 metres. The proposal would fail to meet this standard as set out in the SPD.
11. I am cognisant that this SPD is only guidance and that the material circumstances of the site must also be considered. The appellant asserts that the window does not directly look onto the proposed dwelling and has displayed sight lines on the proposed plans. However, the sight lines only show two possible outlook options. It

¹ Appeal Reference: APP/D5120/W/18/3200541

does not account for the effect of the proposal on outlook which may be experienced when stood in a different position at that window.

12. Owing to the design of the rear garden, it is not unreasonable for the occupants of No. 7 to look towards the centre of their rear garden and not to the rear boundary or above the roofscape as indicated by the appellant. The centre of the garden would be located close to the centre of the proposed two storey side elevation. Therefore, when viewed from this habitable window and towards the centre of the garden, the full two storey side elevation would be visible within a close distance. The occupant of No. 7 would only need to turn slightly in this window to experience the full size of the appeal proposal from this point of outlook. Therefore, this proposal would unacceptably reduce the outlook currently experienced by the occupants of No. 7.
13. The appellant raises several examples of approved developments that provide a smaller separation distance than that proposed in this appeal. In the example of 232 Hurst Road, no officer report has been provided. Therefore, I am unable to ascertain with accuracy the full reasoning behind this decision. Nevertheless, the approved plans have been provided. The orientation of both properties in this case are similar to that found in the appeal proposal. In my assessment of these plans, the rear area of the dwelling in this case incorporates various design elements such as a single storey rear element and an inset from the side flank wall. As such, these elements would reduce the overall visual bulk of this example when viewed from No. 232.
14. A further example is cited at 325 Main Road. In this example, the officer report has been provided. The officer report notes that the position of the proposed unit, including its spacing would not affect the occupants of neighbouring properties. The proposed dwelling in this example would indeed be approximately 8 metres away from the neighbour of No. 325. However, this separation would be between two blank side elevations. As such, this example is not similar to the appeal proposal.
15. In returning to the example at 19 Crescent Road, the appeal property and its neighbours are sited in a liner arrangement. This is a different situation than that found at the appeal site. As such, the circumstances of this appeal decision are not directly comparable to this appeal. An example is provided at 76 Albert Road, yet, there is no officer report, decision notice or a full set of plans provided. The appellant notes that a similar separation distance in this example is achieved. However, from the images of the elevation plans, I note that this example is for the development of a single storey bungalow. This would have a different effect on outlook to that of a two-storey dwelling as proposed in this appeal.
16. The appellant notes the separation distances achieved at 20 Hatherley Road with regard to a property with rear windows which face on to this example. This example is void of an officer report, decision notice or a full set of approved plans. During my site visit, it was not possible to ascertain whether these rooms were habitable from the public realm. As such, due to the absence of an officer report and the difficulty of attaining the required information during my site visit, a direct comparison cannot be made to the appeal proposal.
17. To conclude, the proposal would have an unacceptable effect on the outlook from the rear habitable window of 7 Canterbury Avenue. It would therefore conflict with

Policies SP5 and DP11 of the LP. These policies require development proposals to ensure that it would not unacceptably affect existing neighbouring residents, with particular regard to outlook.

Planning Balance and Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework indicates that a decision should be taken in accordance with the development plan.
19. I acknowledge that the proposed development would provide an additional three-bedroom dwelling to the supply of housing. The proposal would also provide local economic benefits during the construction period. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services. These are limited, yet positive benefits of the proposal.
20. However, in my overall consideration of the scheme, these benefits do not outweigh the harm I have found above in relation to character and appearance and the living conditions of the occupants of a neighbouring dwelling. There are no material considerations of such weight or significance before me as to justify a decision otherwise than in accordance with the development plan.
21. For the reasons given above, the appeal should be dismissed.

J Smith

INSPECTOR