



Appeal Decision

Site visit made on 10 March 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/D5120/W/24/3352893

63 Dulverton Road, Bexley, London SE9 3RJ

- 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 Mrs Jurita Laugale and Mrs Rimās Laugale of RJDC Ltd against the decision of the Council of the London Borough of Bexley.
- The application reference is 24/01698/FUL.
- The development proposed is the demolition of an existing detached dwelling house and the erection of 2 x four-bedroom semi-detached dwelling houses.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing detached dwelling house and the erection of 2 x four-bedroom semi-detached dwelling houses at 63 Dulverton Road, Bexley, London SE9 3RJ in accordance with the terms of the application, reference 24/01698/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. On 12 December 2024 the Government published a revised National Planning Policy Framework ("the Framework"), replacing the December 2023 version extant when the planning application was determined. The provisions most relevant to this appeal were not altered significantly, and as such there is no requirement for me to seek comments on the revised Framework; I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the development would achieve the highest standards of fire safety.

Reasons

Character and appearance

4. The appeal property is a two-storey detached dwelling, on an inside corner plot where Dulverton Road meets Agaton Road. It is in a suburban residential area, primarily characterised by two-storey semi-detached houses. The proposed development is the demolition of the existing dwelling, and the erection of a pair of semi-detached houses. Each would have four bedrooms, with living

accommodation on three floors. Broadly speaking, the development would be in keeping with the scale and form of other housing in the locality. The Council's concern on this issue related to the proposed roof form, and I therefore focus here on that element of the scheme.

5. The dwellings would have barn-style half-hipped roofs with flat-roofed box dormers to their rear roof slopes. I agree with the Council that the dormers would be of a modest size and would not dominate the rear roof slope. It appears that most dwellings on Dulverton Road and Agaton Road were originally built with hipped roofs, and this remains the prevalent roof form in the area immediately around the appeal site. However, I also saw that very many properties have had hip-to-gable conversions, and where this has been carried out on one half of a semi-detached pair – as is the case fairly frequently – the original balance or symmetry of the property has been lost. There are numerous examples of extensions, including dormers, with flat roofs which can be seen from the street. The range and size of alterations which has been carried out has given the area a somewhat variegated roofscape.
6. The angled positioning of the proposed dwellings on a corner plot means that their side elevations would be clearly visible in the streetscene. Based on what I saw during my site visit, half-hipped roofs do not crop up frequently in the area. However, the height and size of the roof proposed here would be in keeping with those of neighbouring buildings, as would the materials. The half-hipped form would not be so far removed from the gable and hipped forms which dominate the area that it would be likely to stand out as an intrusive or harmfully incongruous feature.
7. I therefore conclude that the proposed development would not cause significant harm to the character or appearance of the area. As such, it would comply with the provisions of Policies SP5 and DP11 of the 2023 Bexley Local Plan (“the BLP”), and Policies D3 and D4 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development (including extensions) is complementary to the surrounding area, including in respect of layout, height, scale and massing.

Fire safety

8. Policy DM12 of the London Plan 2021 requires all development proposals to achieve the highest standards of fire safety. The appeal scheme is not “major development”, and so the submission of a Fire Statement (as required by part B of that policy) is not required. Nevertheless, although many technical fire safety matters are dealt with under Part B of the Building Regulations, there is still a requirement under part A of Policy D12 to provide various information such as a site plan showing that there would be space for the appropriate positioning of fire appliances.
9. No such information has been provided in respect of the appeal scheme, either as part of the planning application or during the appeal process. However, in view of the small-scale of the scheme, as well as the fact that it would be an essentially conventionally-designed and accessed development in an established residential area, I am satisfied in this case that this matter could be addressed by a condition requiring the submission and approval of the necessary further details.

10. I conclude that, subject to such a condition, the development would achieve the highest standards of fire safety; it would therefore comply with Policy D12 of the London Plan 2021, the principle aim of which I have set out above.

Conditions

11. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance (“the PPG”). Where necessary I have made changes to the wording or ordering of conditions in the interests of clarity and effectiveness.
12. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2).
13. For the reasons I have set out in the preceding section, a condition relating to the submission and approval of further details relating to fire safety is necessary (3). A condition relating to a sustainable drainage scheme (4) is necessary to ensure that the site is suitably drained.
14. A condition relating to the timely provision of parking facilities to an acceptable standard (5) is necessary to ensure that the development does not lead to a harmful increase in demand for on-street parking space, and in the interests of highway safety. I have included a reference to visibility in that condition, as no substantive justification was given for the separate more detailed and demanding condition suggested by the Council.
15. Conditions relating to refuse and recycling (6) and cycle storage (7) are necessary to ensure that the development makes adequate provision in these respects, and provides an acceptable standard of amenity for future occupiers and neighbouring residents. The Council proposed that these two should be pre-commencement conditions, but no substantive justification was put forward to explain why this would be necessary; I have therefore redrafted them so that they do not take effect until a later stage of development.
16. A condition relating to biodiversity, including the provision of bird nesting boxes or bricks (8), is necessary to ensure that the development makes an appropriate provision towards the creation of suitable habitats and biodiversity areas. A condition requiring the provision of accessible housing (9) is required to ensure that the development provides (or can be adapted to provide) satisfactory accommodation for people with a wide range of needs, and to comply with Policy D7 of the London Plan 2021. A condition relating to water efficiency (10) is necessary in the interests of conserving a valuable natural resource, and to comply with Policy SI5 of the London Plan 2021 and Policy DP30 of the BLP.
17. Paragraph 55 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so, and the PPG advises that conditions restricting the future use of permitted development rights or changes of use “may not pass the test of reasonableness or necessity”. In this case, given that the relatively constrained nature of the site, and the fact that the development will already include accommodation within the roof level, I agree with the Council that it is necessary to remove permitted development rights relating to extensions, additions to the roof, and the erection of outbuildings, in order to protect the character and appearance

of the area. These restrictions would also protect living conditions for neighbouring residents.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed and planning permission granted, subject to the conditions in the attached schedule.

M Cryan

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
 - Location Plan TGA.0547 01 (April 2024);
 - Site Plans TGA.0547 02 (April 2024); and
 - Plans & Elevations TGA.0547 03 (April 2024).
- 3) No development other than demolition and site clearance shall take place until details of the fire safety measures required by Part A of Policy D12 of the London Plan 2021 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development other than demolition and site clearance shall take place until details of a Sustainable Drainage System complying with the 2018 *Bexley Sustainable Drainage Design and Evaluation Guide* and the drainage hierarchy set out in Policy 5.13 of the London Plan have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of:
 - (i) How surface water runoff will be limited to the greenfield runoff rate;
 - (ii) Calculations to demonstrate that the proposed system is fit for purpose, including correctly sized attenuation and surface water discharge rates;
 - (iii) Installation of petrol/oil interceptors as necessary;
 - (iv) Distribution of foul water flows into the surrounding sewer network as necessary;
 - (v) Installation of rainfall attenuation units for capturing and reusing water;
 - (vi) Information about the design storm period and intensity, the method employed to delay and control surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (vii) A timetable for its implementation; and
 - (viii) A management and maintenance plan for the lifetime of the development.

Development shall only be carried out in accordance with the approved details.

- 5) No construction above slab level shall take place until details of the vehicle parking areas shown on Site Plan Drawing TGA.0547 02, including levels, drainage and details of finished surfaces, and driver and pedestrian visibility, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details prior to the occupation of either of the dwellings. The parking areas shall be maintained and retained for that purpose in perpetuity in accordance with the approved details.

- 6) No construction above slab level shall take place until details of arrangements for storage of refuse and recycling (including means of enclosure for the areas concerned where necessary) have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be installed before the development is first occupied and shall be maintained and retained thereafter.
- 7) No construction above slab level shall take place until details of secure, covered and conveniently located parking facilities for a minimum of two bicycles per unit, have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed before the development is first occupied and shall be maintained and retained thereafter.
- 8) No construction above slab level shall take place until details of biodiversity improvements, including bird nesting boxes/bricks to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. Bird nesting boxes/bricks should be suitable for urban living bird species. The details shall include the exact location, number specification and design of the habitats. The boxes/bricks shall be installed within the development in accordance with the approved details, within six months of completion of the development in which they are contained and shall be maintained as such thereafter.
- 9) The dwellings hereby approved shall comply with Building Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and adaptable dwellings (2015 edition). 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.
- 10) The dwellings hereby approved 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.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting this Order) no development permitted by Classes A, B and E of Part 1 of Schedule 2 of the aforementioned Order (as amended), shall be erected or made within the curtilage of the dwellings hereby permitted without the prior written approval of the Local Planning Authority.