



Appeal Decision

Site visit made on 31 March 2025

by C Housden BSc(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Appeal Ref: APP/D5120/W/24/3352164

28 Olyffe Avenue, Welling, Bexley DA16 3HZ

- 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 Mr K Gurung against the decision of the Council of the London Borough of Bexley.
 - The application ref is 24/01856/FUL.
 - The development proposed is described as “erection of a detached single storey dwelling with refuse storage and parking to the front following demolition of existing garage”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the appeal proposal differs between the application form and the decision notice. Given that the appellant has adopted the wording from the decision notice in their appeal documentation, in the interests of clarity, I have therefore used the wording from the decision notice to describe the proposed development in the banner heading.

Main Issues

3. The main issues are:
 - a) The effect of the appeal proposal on the character and appearance of the area;
 - b) Whether the appeal proposal would deliver a biodiversity net gain; and
 - c) Whether the appeal proposal makes appropriate provisions in relation to fire safety.

Reasons

Character and Appearance

4. The appeal site comprises part of the garden area of 28 Olyffe Avenue (No 28). The garden has flat ground levels and is rectangular with a long vertical emphasis.
5. The appeal proposal comprises sub-dividing the garden of No 28, demolishing an existing outbuilding and the construction of a single storey detached dwelling.
6. The proposed dwelling would front onto William Foster Lane which comprises a mix of development. Larger buildings including a flatted development are situated away from the appeal site, however, in the immediate area surrounding the appeal site

the development is limited to private garages and outbuildings associated with the properties along Olyffe Avenue. There are limited buildings fronting onto this part of William Foster Lane, with most plots closed off through fencing.

7. As such, the proposed dwelling in this location would appear isolated and incongruous to the established pattern of development. The proposed dwelling and associated curtilage would appear far more prominent than the surrounding domestic outbuildings and garages which would be harmful to the character and appearance of the area.
8. I note the appellant has stated that the appeal proposal would create an active frontage situated on an adopted highway to help justify the development. However, in my view, the active frontage associated with the appeal scheme would be out of character with this part of William Foster Lane with it being characterised by fencing closing off the rear of the plots situated along Olyffe Avenue and a very low level of activity. The presence of a residential dwelling and the associated activity would be out of character with the area and intrusive within the streetscene.
9. Therefore, I find that the appeal proposal would be harmful to the character and appearance of the area. As a result, the appeal scheme would be contrary to Policies SP5 and DP11 of the Bexley Local Plan (2023) (BLP) and Policy D3 of the London Plan (2021) (LP). These policies, amongst other matters, seek to ensure development takes a design-led approach to deliver development that is of a high-quality design and contributes positively to the character of the area and streetscene.

Biodiversity

10. I note that initially the appellant had indicated in their planning application form they did not believe the general biodiversity gain condition, as set out in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 applied to the appeal scheme, as it met an exemption relating to the development of a biodiversity gain site. However, the appellant has since suggested in their appeal documentation that biodiversity gain could be secured by condition and is not relying on an exemption within their evidence.
11. However, the appeal is not accompanied with the minimum level of information stipulated in Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order. This includes information such as the pre-development biodiversity value of on-site habitat.
12. As such, without this information, I have insufficient evidence to conclude that the appeal proposal, through the condition, would secure the appropriate biodiversity net gain. The proposal would therefore conflict with Policy DP20 of the BLP and G6 of the LP. These policies state that development will only be permitted where they result in a measurable long-term net gain for biodiversity through the application of an acceptable method of measurement.

Fire Safety

13. Policy D12 of the LP requires all development proposals to achieve the highest standards of fire safety and to meet a number of specific criteria in doing so. Within the subtext of Policy D12, at paragraph 3.12.1, it states that the fire safety of developments should be considered from the outset.

14. The appeal proposal is accompanied by minimal information regarding fire safety, and the appellant has stated that a suitably worded condition could be used to secure the appropriate details in line with Policy D12. The appellant has provided some suggested wording for a condition.
15. I am mindful, however, that many of the criteria contained within Policy D12 could result in impacts to the layout or design of the appeal scheme. Due to the lack of evidence before me, I cannot be certain that all criteria within Policy D12 could be met by the scheme subject to this appeal without amendments.
16. As a result, due to the lack of information before me, I cannot be certain that this is a matter that could be left to the condition discharge stage. I have considered the appellants suggested condition. However, given my concerns outlined above, and with regard to the six tests set out in the National Planning Policy Framework (the Framework) and the guidance contained within the Planning Practice Guidance, the condition would not be reasonable to impose, and I do not have sufficient evidence to conclude that it would be enforceable.
17. The appeal proposal therefore does not make appropriate provisions in relation to fire safety and as such conflicts with Policy D12 of the LP which requires development proposals to achieve the highest standards of fire safety.

Other Matters

18. The appellant has stated in their evidence that the Council is “not meeting existing housing provision targets”. The Council has provided its Local Plan Monitoring Report 2023/2024. Annex 1 of this report sets out the Council’s five-year housing land supply position, with a base date from 1 April 2025 to 31 March 2030, is 5.6 years.
19. I have no compelling evidence before me to suggest that the Council does not have a five-year housing land supply.
20. The appellant has identified the benefits of the scheme include the provision of an additional windfall dwelling to the Council’s supply and the importance of windfall sites, such as the appeal scheme, in helping the Council meet its housing targets. The appellant also highlights this derives support from the Framework.
21. Given the appeal proposal would make a small contribution of a single dwelling to the Council’s supply, the benefits in this instance, would carry limited weight in favour of the appeal.
22. Conversely, I have identified that the appeal scheme would conflict with the development plan in relation to the impact on the character and appearance of the area, biodiversity and fire safety. These are matters of significant weight against granting planning permission.
23. Given that the proposal would not accord with the development plan, in this case, the presumption in favour of sustainable development as set out in the Framework would not apply.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR