



Appeal Decision

Site visit made on 7 May 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/D5120/W/24/3352525

79 Pickford Lane, Bexleyheath, Bexley DA7 4RW

- 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 S Malhotra against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/02011/FUL.
 - The development proposed is described as 'Planning Application for the creation of an external play area on the existing flat roof of the nursery'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of the proposed development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details before me that the proposed development also includes the erection of a toughened glass privacy screen set in a polished steel frame, and a retractable awning. I have determined the appeal on this basis.
3. After all evidence from the main parties had been received, a revised version of the National Planning Policy Framework (the revised Framework) was published on 12 December 2024. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of the residents of 81 Pickford Lane, with particular regard to privacy and overlooking.

Reasons

Character and Appearance

5. The appeal relates to a white rendered detached bungalow that is in use as a children's nursery and is situated on a prominent corner location next to the junction of Pickford Lane and Jenton Avenue. Whilst there are a few other commercial properties nearby, the immediate area is predominantly residential and characterised by similar detached bungalows.
6. The Council has not raised any objections to the principle of creating an outdoor play area for children and I have no substantive reason to question this. However,

the proposed external play area would be above an existing single storey flat roof rear extension and accessed via 2 separate bi-folding doors that are within an existing white rendered dormer extension.

7. The proposed privacy screen would be of a considerably greater height and depth than the Juliet balconies attached to these bi-folding doors, measuring approximately 1.8 metres (m) high and spanning the majority of the depth of the rear extension's roof. It would also be fitted with darker toughened obscured safety glass, and a retractable awning above. Although it would be lower than the appeal building's roof ridge and only cover around half of the flat roof the proposed screen would be prominently positioned to run adjacent to and along the existing southern parapet wall. As such, this element of the proposal would be of a solid appearance and provide significant additional visual bulk and dominance to the building at first floor level.
8. All of these factors would combine to introduce a stark, robust and conspicuous feature that would sharply contrast with the white render and roof tile materials of the appeal property and surrounding bungalows. Given its prominent siting and location, the discordant effect of the proposal would be plainly visible from along Jenton Avenue and Pickford Lane.
9. Accordingly, the proposed development would cause unacceptable harm to the character and appearance of the area. It would thereby conflict with Policies SP5 and DP11 of the Bexley Local Plan 2023. These seek, amongst other matters, to achieve high quality design and to ensure that the layout, height, scale and massing, façade treatment and materials are complimentary to the surrounding area and contribute positively to the street scene.

Living Conditions

10. As the proposed play area would only cover half of the width of the flat roof it would be set well away from the shared boundary with the nearest residential property at No 81. The combination of this separation distance and the approximate 1.8m height of the proposed privacy screen would ensure that no undue level of direct overlooking of this neighbouring property and its rear garden area would occur. Whilst some of the proposed screen may be visible from parts of this neighbouring garden and property, it would clearly not be as perceptible as from other directions. Accordingly, I am also satisfied that the proposal would not result in an undue feeling of intrusion or perceived overlooking.
11. In light of the above, I find that the proposal would not have a harmful effect on the living conditions of the occupiers of No 81 arising from direct or perceived overlooking and loss of privacy. It would thereby not conflict with Local Plan Policy DP11 in this respect, which seeks to ensure existing properties' amenity is appropriately protected.

Other Matters

12. I have been referred to other examples of steel and glass balconies on Pickford Lane and Avenue Road. However, these are not on bungalows or of the same level of obscurity, height or projection as the proposed privacy screen. Accordingly, their circumstances are not directly comparable to those which apply in this case.

13. Given my findings I am unable to conclude that the proposal would make efficient use of the building or enhance a community asset. I recognise the need for and importance of additional outdoor play space for children and the convenience and health and safety benefits of having it at first floor level for staff. In addition, I have no reason to doubt that the nursery provides a valuable facility that serves local families and contributes to their well-being. The willingness to limit the hours of use and prohibit the external playing of amplified music is also noted. However, these matters do not overcome or outweigh the harm that I have identified would be caused to the character and appearance of the area.

Conclusion

14. Although I have found that there would be no adverse impact on the living conditions of the residents of No 81, this, and the other matters identified above, are significantly outweighed by the unacceptable harm that would be caused to the character and appearance of the area.
15. The proposed development consequently conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR