



Appeal Decision

Site visit made on 17 December 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2026

Appeal Ref: APP/D5120/W/25/3373653

Land to the rear of no. 48 Sidcup High Street, Bexley, DA14 6EH

- 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 Kingsland Realty Limited against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 25/00228/FUL.
 - The development proposed is erection of detached building comprising of one self-contained residential unit with refuse storage and cycle parking following demolition of existing structures.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally described as being for the erection of 2 storey building comprising 3 no. residential apartments (Use Class C3) and provision towards refuse storage and cycle parking (4no. spaces). The description in the banner heading above is taken from the decision notice, and reflects alterations to the scheme during the course of the application.
3. The appellant has asked me to consider plan 148 GA 00 K, which shows a window in the western flank of the proposed dwelling serving the northernmost bedroom (the additional window). I am informed that a window in or near that location was on a previous version of the plans but was later omitted, purportedly at the Council's request. The reason for this is not made clear, though I note there are high level windows opposite. Given this, the additional window may give rise to further concerns not currently set out in the reason for refusal. Moreover, the provided elevation drawings do not show the additional window.
4. Overall, allowing plan 148 GA 00 [revision] K into the appeal would be unfair to the Council, as it issued its decision based on revision J, and may have articulated a different reason for refusal otherwise. It would also lead to a conflict within the plans. I therefore proceed without reference to plan 148 GA 00 K.

Main Issue

5. The main issue is whether the proposed development would provide acceptable living conditions for its future occupiers with particular regard to noise levels in the external amenity area, and to outlook.

Reasons

Noise

6. The appeal site (the site) is a hardsurfaced yard behind a mixed-use property on a town-centre High Street. To the rear is an MOT testing garage (the garage). The vehicular access to a garage testing bay is immediately adjacent to the southwestern corner of the site, as is the route to it from Nelson Road.
7. It is proposed to erect a single storey dwelling, served by a garden that would wrap around its southern end and part of its western flank. As such, the testing bay and access to it would be immediately adjacent to the garden.
8. A submitted environmental noise impact assessment report provides a strategy to ensure acceptable noise levels inside the proposed dwelling, but not for the garden. A maximum of 50 decibels (dB) is the desired noise level for gardens, with 55dB as the upper guideline value for noisier environments¹. External noise levels at the site are at some 61-65dB during the day. Even allowing for a reasonable degree of compromise given the town centre location of the site, these are noise levels significantly above those advised.
9. Whilst it is likely that not all of the ambient noise level at the site is due to the garage, motor vehicle testing and repair is an inherently noisy activity; The movement of vehicles to and from the garage, including manoeuvring vehicles around the external access area, the use of machinery, and the revving of engines are all likely to result in sufficiently intrusive disturbances, both in terms of volume and type, as to discourage use of the garden.
10. The appellant contends that the frequency of vehicular movements to and from the testing bay is modest. The supporting calculations, however, appear not to factor in that more than one test may take place in the garage at the same time. Moreover, it does not appear to factor in the noise of testing and servicing itself, nor of vehicle movements around the accessway as vehicles are repositioned. Overall, I see little reason to think that noisy activities at the garage would be anything other than frequent.
11. I recognise that the garden would not be affected by noise from the garage outside its hours of operation, which I understand to be from 8am to 6pm during the working week and from 8am to 1pm on Saturdays. Whilst future occupiers of the proposed dwelling may be working away from the site during these hours, there is no guarantee of it. Some may work from home but be unable to enjoy the garden during their lunch break. Others may work shifts and be unable to enjoy the garden during the day.
12. Moreover, I have little evidence that the garage's hours of operation are controlled by way of a planning condition and could not change in future. Given all of this I have little reason to feel that noisy activities at the garage and the desire of occupants to use the garden would not often coincide.
13. The garden is set out in an approximate 'L' shape, such that its extreme ends would be further from the testing bay entrance than its corner. Whilst it may be that noise levels would be lower at the ends of the garden, I have little to show me how

¹ BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings'

much lower, and little reason therefore to think that conditions in those areas would be acceptable.

14. Even if, as contended by the appellant, boundary planting may be effective in reducing noise levels, I have no details of such a scheme. I cannot be certain, therefore, that planting sufficient to reduce noise could be accommodated in the garden without harmfully reducing its size or the levels of light it would receive.
15. Whilst there are parks and green spaces nearby, I see no reason why that should justify the proposal. The manner in which one uses public open spaces is inherently different to the way one uses a domestic garden in terms of frequency, privacy, and security. An unpleasant environment in a domestic garden would not be offset therefore by public space provision.
16. The proposed development would not provide acceptable living conditions for its future occupiers with particular regard to noise levels in the external amenity area. As such, it conflicts with Policies DP9 and DP11 of the Bexley Local Plan (2023) and Policies D3 and D13 of the London Plan (2021) where they require development to provide sufficient useable on-site external amenity space, help prevent or mitigate the impacts of noise, and separate new noise-sensitive development where possible from existing noise-generating businesses.

Outlook

17. The eastern flank of the proposed dwelling would be built to the site boundary. The three windows contained therein would face out onto a side access and rear open area at 46 High Street (No 46). The latter is open to Back Road, from which several properties are accessed. Even if the owners or occupiers of No 46 never opt to erect a fence to protect their own privacy, their use of the side access and rear area would so compromise privacy in the proposed dwelling that the windows would likely need to be made using opaque glazing or would be covered over most of the time. They would provide inadequate outlook, therefore.
18. The double doors in the southern end of the proposed dwelling would open out onto the wall of the garage some 2m away. The wall is some 3m tall. Above it is a shallow mono-pitched roof leading to a slightly steeper dual-pitched roof. Whilst a brick wall need not be an unpleasant sight in itself, its proximity and height would cause a distinct sense of enclosure. There would be little view of the sky beyond. Whilst I am asked to consider that planting may improve the view, I have little evidence that a scheme capable of significantly mitigating the sense of enclosure could be accommodated in the limited space, particularly given the outward swing of the doors. In isolation, the outlook from the doors would be inadequate.
19. Save for the bathroom, which would likely be obscured in some way for privacy, the openings in the western flank of the proposed dwelling would allow views over a shallow section of the garden. Beyond this, the site boundary would need to be some 1.8m tall to prevent intervisibility with the garage. I see no reason why this means of enclosure need be unsightly; nominal landscaping, apparently little more than a simple boundary hedge, is indicated on the plans. The view above the enclosure would be unremarkable, comprising the garage on one side and the rearmost parts of properties on the High Street on the other. These elements, however, are sufficiently far apart to allow reasonable views of the open sky. Overall, the quality of outlook from these openings would be moderate, but not harmful and therefore acceptable.

20. The windows serving the northernmost bedroom would face out onto a communal area shared with 48 High Street (No 48) and so would rely on opaque glazing to ensure privacy. This would deprive the room of outlook. I note the appellants contention that the upper sections of these windows could be clear-glazed, allowing upwards views to the north. However, the windows would not be unusually wide and there are only two of them. As such, the room would be dependent upon two small areas of clear glazing some 50cm tall to provide any form of outlook. Indeed, that by far the larger section of the windows would be opaque would emphasise to occupants of the bedroom just how little outlook the windows provide. Overall, an unpleasant sense of compromise and enclosure would result.
21. The Council accepts that inadequate outlook in the northernmost bedroom could be offset by suitable alternative outlook elsewhere. Even if I were to agree, the outlook from the living room would be only moderate, and as such offer insufficient compensation for the conditions in the northernmost bedroom.
22. Overall, the quality and extent of outlook would be so limited as to provide unacceptable living conditions for future occupiers of the proposed dwelling, contrary to Policies DP11 of the Bexley Local Plan and D3 of the London Plan where they require development to ensure appropriate levels of outlook.

Other Matters

23. I note the appellants comments regarding their correspondence with the Council during the application process. That does not affect the merits of the appeal proposal and so has not influenced my determination.

Planning Balance

24. The proposal would yield a net gain of one new dwelling, assisting the Government's aim of significantly boosting supply. I see little reason to doubt that it would provide a type of accommodation not commonly found nearby, or that it could be built quickly. These benefits carry notable weight generally, though it is tempered in this instance by the modest scale of the scheme.
25. There would be temporary economic benefits associated with the construction phase. Thereafter, there would be ongoing local economic benefits relating to the occupation of the site, and local facilities would benefit from increased demand. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor.
26. The appeal scheme would improve refuse storage arrangements for No 48, but I have no reason to think this minor benefit could not be achieved otherwise, and so attach very limited weight to it.
27. The Council does not dispute that insofar as permissions for new dwellings are concerned, 88% have been on brownfield sites against a target of 90%. I recognise this slight shortfall, but am mindful that the figures are from the 2023/2024 Bexley Local Plan Monitoring Report and so may not reflect the current position. This limits the weight I can confidently attach to it. Furthermore, I have been provided little reason to feel that the target cannot be met if not for the appeal scheme.

28. Notwithstanding the above, the appeal site is in a highly accessible and therefore sustainable location and the scheme would utilise brownfield land. I attribute notable weight to these aspects. In respect of the latter, the appellant emphasises the content of paragraph 125(c) of the National Planning Policy Framework (the Framework).
29. The substantial weight the Framework requires me to give to the use of brownfield land depends, however, upon it being suitable land for homes. I have set out above that the relationship between the site and the neighbouring garage is such that, insofar as this particular scheme is concerned, the suitability of the land for the proposed development is not evident. I am not compelled therefore to approve the development unless substantial harm is caused, though I recognise the degree to which the Framework supports development in accessible, sustainable, and brownfield locations.
30. Against the above, the Framework requires development to create places that promote health and well-being, with a high standard of amenity for existing and future users. I have found that the appeal scheme would unacceptably fail to do so.
31. Overall, the benefits of the appeal scheme are moderate, and do not outweigh the conflict with policies identified above.

Conclusion

32. 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.
33. The appeal is dismissed.

A Knight

INSPECTOR