

Appeal Decision

Site visit made on 16 February 2016

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th March 2016

Appeal Ref: APP/D5120/D/15/3140618

3 Marley Avenue, Bexleyheath, Kent DA7 5RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Hunter against the decision of the Council of the London Borough of Bexley.
 - The application Ref 15/02454/FUL, dated 16 October 2015, was refused by notice dated 10 December 2015.
 - The development proposed is first floor side/rear chalet extension and new lean to roof to existing rear ground floor extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 5 Marley Avenue, with particular regard to overbearing outlook.

Reasons

3. The appeal property is a semi-detached chalet style bungalow located on the corner of Marley and Lessness Avenue. The surrounding area is predominantly residential in character with a mix of housing styles and types. The neighbouring property of No 5 Marley Avenue is a bungalow and is set substantially forward of the appeal property and separated from it by a single width driveway. Furthermore, there is a single storey extension sited on the rear elevation and part of the garden is located abutting the existing single width driveway, separated from it by a low brick wall with wooden trellis on top.
 4. I acknowledge that the appeal property currently has some impact on the outlook from No 5 and its garden. However, despite the use of matching materials the current roof arrangement, which slopes away from No 5, would be replaced with a large expanse of rendered wall at first floor level and a substantially different roof form. This would bring the first floor and the perception of it much closer to the rear of No 5 and its garden. When combined with the depth of the first floor and its overall scale and height, the proposal would result in a very imposing structure that would significantly increase the sense of enclosure to the rear of No 5. It would be oppressive and overbearing on the outlook of the occupiers of No 5 when using the patio area
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and garden and to a lesser degree from the ground floor internal living accommodation, which appeared to be in use as a kitchen diner area.

5. For these reasons the proposal would cause significant harm to the living conditions of the occupiers of No 5 Marley Avenue in terms of an overbearing outlook. It would conflict with Policy H9 of the Bexley Council Unitary Development Plan and the Council's Design and Development Control Guidelines 2004 which, when read as a whole, require that residential extensions should not adversely affect the amenity of residents of adjoining properties, including outlook.

Other Matters

6. I accept that the Council consider that this is a standard form of extension on a chalet property and that it accords with the spirit of the guidelines for extending such properties. Furthermore, that it would be similar to an existing extension at No 1 Marley Avenue that the appellant considers that it would re-balance the appearance of the pair. On the evidence before me, I have no reason to disagree. I also acknowledge that there are no objections from the current occupiers of No 5 and that the proposal is designed to improve the living conditions of the current occupiers. However, having assessed the proposal on its own merits I have found that in this particular case, significant harm would be caused to the living conditions of the occupiers of No 5 and in my view, these matters do not outweigh my findings in relation to the main issue.

Conclusion

7. For the reasons given above and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR