

Appeal Decision

Site visit made on 1 February 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 15 February 2017

Appeal Ref: APP/D5120/D/16/3162569

45 Caldy Road, Belvedere DA17 6JT

- 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 Ms Esther Okunola against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/01268/FUL, dated 19 May 2016, was refused by notice dated 15 August 2016.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 43 Caldy Road.

Reasons

3. Number 45 Caldy Road comprises an end of terraced two storey house located on the northern side of the road and on the corner with North Road. The character of the area is mainly residential but with a variety of house types, although the appeal property is one of a terrace of three similar Victorian houses. At the rear it has a two storey projection extending across approximately two thirds of the width of the rear elevation. No 43 Caldy Road has a similar projection, so that there are relatively narrow areas of space between the two projections either side of the rear common boundary which is a wall at this point. Both properties also have single storey projections beyond the rear projections. The rear garden area to No 45 is all hard surfaced and enclosed by a high wall on the boundary with North Road.
4. The proposed development would comprise a combined rear and side single storey extension which would effectively wrap around the existing two storey rear projection, extending outwards on the eastern side of the property. It would also infill the rear space on the western side, almost up to the rear common boundary with No 43 with a further single storey extension which would have a depth of 3.5 metres along that boundary. All the proposed extensions would have flat roofs.

5. The Council appears to raise no objections to the projection on the eastern side, nor to the main extent of the rear extension, and I see no reason to disagree given the large open rear area and the fact that the property is located on the corner.
6. However, on the opposite side, the infilling of the space almost to the boundary with No 43, would have a significant impact upon the occupiers of that property. Similar to the appeal property, No 43 has a rear facing ground floor window in the area adjoining the rear common boundary, together with a door and further window directly facing the boundary wall. The latter window provides the only light to the kitchen area of that property because of the existing rear projection beyond it. In my view, the proximity of the proposed infill extension in this area, with a height of just under 3 metres, a depth of 3.5 metres and almost up to the common boundary with No 43, would result in a loss of natural light and outlook from the windows referred to. The impact would also be increased because of the north facing and enclosed nature of the rear of No 43 and therefore restricted sunlight which would reach that part of the house.
7. I note the reference from the appellant that some works could be built under permitted development, but I am considering the proposed development before me in total and the component part which I have identified as being unacceptable could not be easily separated from the remainder of the extension of which it would form part, without a significant internal re-design. A separate and differently designed proposal would have to be considered on its individual merits including whether it could be erected under permitted development or not.
8. For the above reasons, there would be harm to the living conditions of the occupiers of No 43 Caldys Road. The proposed development would therefore be contrary to Policies ENV 39 and H9 of the Council's Unitary Development Plan 2004 and its 'Design and Development Guidelines' guidance, in that it would adversely affect the amenities and prejudice the environment of the occupiers of the adjoining residential property.
9. Accordingly the appeal should be dismissed.

Kim Bennett

INSPECTOR