
Appeal Decision

Site visit made on 14 February 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 21 February 2017

Appeal Ref: APP/D5120/D/16/3166009

8 Bedford Road, Sidcup DA15 7JP

- 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 & Mrs Chapell against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/01989/FUL, dated 3 August 2016, was refused by notice dated 29 September 2016.
 - The development proposed is a single storey side/rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side/rear extension at 8 Bedford Road, Sidcup DA15 7JP in accordance with the terms of the application, Ref 16/01989/FUL, dated 3 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan, TGA.0179 01 (A).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue raised by this appeal is the effect the proposed extension would have on the living conditions of the occupiers of 10 Bedford Road with particular reference to outlook and light.

Reasons

3. The appeal property is a terraced house which has an existing two storey offshoot to the rear which continues at ground floor with a modest projection. An infill conservatory is situated between this and the boundary with No 10. The proposal would replace the infill conservatory and project beyond with a flat roof single storey extension the full width of the plot which the plans show would extend 7.28m along the party boundary with No 10.
 4. The extension would be taller than the existing fence along the boundary. It would have the effect of creating a narrow, confined space between its flank wall and that of a ground floor extension which projects to the rear of No 10.
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This would have an enclosing effect on the outlook from the infill conservatory at No 10 which bounds the appeal site. The extension would also restrict day and sun light to the conservatory, particularly through its rear facing glazed doors, albeit that its transparent roof would still allow sun and daylight in.

5. However, the appellant has pointed out that prior approval exists for an extension which would project 6m along the party boundary. In light of this approval there would appear to be more than a theoretical prospect that such a 'fallback' development might occur should the appeal proposal not proceed. Consequently it is a consideration to which I can give significant weight.
6. Although 1.28m shorter than the appeal proposal (according to the appellants' dimensions), this would have a similar effect immediately adjacent to No 10's conservatory. The additional extension depth of the appeal proposal would not greatly increase the resulting sense of enclosure or loss of day or sunlight. Whilst the occupiers' living conditions would be affected to a limited extent by the proposal this would not be to a significantly greater degree than that which would occur as a result of the scheme which has the benefit of prior approval. The proposal would not, however, have an adverse effect on the ground floor window in No 10's rear extension, given that window's orientation and set back from the boundary.
7. The proposal would not comply with the Council's development plan guidelines¹ that rear extensions should not normally exceed a depth of 3.5m from the rear of the property. In seeking to secure a good standard of amenity for existing occupants these guidelines accord with national policy².
8. However, the material consideration of the potential fallback extension is one that would indicate that a decision otherwise than in accordance with the development plan should be taken in this instance and as such the proposal would be acceptable.
9. The Council's officer report finds that the proposal would not be subservient to the host property and consequently affect the character and appearance of the area, however this is not reflected in their reason for refusal. In any event, although large, the extension would not be experienced from surrounding streets and would only have a limited effect on the character which exists in the vicinity of the site to the rear of Bedford Road. This does not, therefore, lead me to a different conclusion.

Conditions

10. It is necessary to specify the approved plans as this provides certainty and requiring matching materials will ensure an acceptable appearance.

Conclusion

11. For the above reasons the appeal is allowed.

Geoff Underwood

INSPECTOR

¹ Bexley Council Unitary Development Plan, 2004 - Design and Development Control Guidelines 2: Extensions to Houses.

² National Planning Policy Framework – Core planning principles, paragraph 17.