

Appeal Decision

Site visit made on 6th February 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/D5120/D/16/3165504

68 Bradenham Avenue, Welling, Kent, DA16 2JG.

- 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 D Wilkinson against the decision of the Council of the London Borough of Bexley.
 - The application Ref: 16/01449/FUL, dated 17 May 2016, was refused by notice dated 31 August 2016.
 - The development proposed is rear extension at first floor and roof extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the implications of the proposal for the living conditions of occupants of No 70 Bradenham Avenue.

Reasons

3. The proposed extension would be sited above an existing ground floor extension at the rear which projects along the common boundary with the adjoining semi-detached property No 70 Bradenham Avenue. That property contains a rear conservatory extension which bisects a ground floor window, with what appears to be a bathroom window above. Further away from the common boundary with the appeal property at first floor, is what appears to be a bedroom window.
 4. Given the separation between the side of the proposed extension and bedroom window and bearing in mind the obscure glazed nature of the nearest first floor window, I am satisfied that the appeal proposal would have no adverse effect thereon. However, I have concerns about the effect of the side wall of the extension looming large relative to the ground floor of No 70 including the nearest ground floor window. Although this to some extent is a consequence of the existing single storey extension, it would be exacerbated through the addition of a first floor above.
 5. To my mind, given the rearwards projection of the extension, it would have an oppressive, enclosing effect along the side with No 70 and would appear overbearing in relation to it. It would clearly conflict with the advice at
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paragraph 2.3.2 (2) of the Bexley Unitary Development Plan (UDP) *Design and Development Control Guidelines* which states that two storey extensions to the rear of semi-detached houses should be set in two metres from the common boundary at first floor level.

6. I appreciate that the occupier of the neighbouring property did not object to the proposals, but that does not render it acceptable on its planning merits. I also understand the appellant's case that there is an extension at No 66. However, that appears to me to be sited in a different context relative to its attached neighbour, abutting a solid two storey rear projection. I therefore do not consider it is directly comparable to the appeal before me, which I must in any event determine on its merits.
7. I recognise that the proposal would provide better accommodation for the appellant's expanding family, but I nonetheless, consider that the harm identified would outweigh any benefit in this regard and would also endure in the longer term, affecting future occupiers of No 70.
8. Overall on the main issue, I conclude that the appeal proposal would be unacceptably oppressive and overbearing in relation to the living conditions of occupiers of No 70. This would bring it into conflict with Policies H9 and ENV39 and Development Control Guideline 2.3.2 (2) of the UDP (2004), as well as guidance at paragraph 56 of the National Planning Policy Framework, which seek to secure a high standard of design in new development that does not adversely affect the amenity of residents of adjoining properties. However, I find nothing in the proposals that would conflict with Policies CS01 (submitted with the appeal documents) and CS07 (cited in the Decision Notice) of the London Borough of Bexley Core Strategy (2012), which concern themselves with more strategic objectives for the Borough.

ALISON ROLAND

INSPECTOR