

Appeal Decision

Site visit made on 27 February 2017

by Clive Tokley MRTPI

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

Decision date: 20th March 2017

Appeal Ref: APP/D5120/D/16/3166174
28 Central Avenue, Welling, DA16 3BB.

- 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 Mahesh Hirani against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/02439/FUL dated 29 September 2016 was refused by notice dated 5 December 2016.
 - The development proposed is retention of outbuilding for use in connection with dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of outbuilding for use in connection with dwelling house at 28 Central Avenue, Welling, DA16 3BB. The permission is in accordance with the terms of the application Ref 16/02439/FUL dated 29 September 2016 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved drawing:-160911-01-P0.
 - 2) Within a period of three months from the date of this decision the rear external wall of the building adjacent to No 22 Norfolk Place shall be finished to match the existing building on the site in accordance with the indication on the planning application form. In the event of a legal challenge to this decision the operation of the time limit specified in this condition will be suspended until that legal challenge has been finally determined.

Main Issue

2. The main issue is the effect of the outbuilding on the living conditions of the occupiers of No 22 Norfolk Place as regards light and outlook.

Reasons

3. At the time of my visit the outbuilding was substantially complete and works for the fitting out of the building were underway; however I noted a number of items of furniture in the building and it appeared that its use in connection with the dwelling had commenced.
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4. The rear wall of the outbuilding is on the north west side boundary with No 22 Norfolk Place which occupies a roughly triangular corner plot to the east of the appeal property. No 22 has two main areas of garden. To the rear is a larger over-grown area which provides an outlook for the kitchen and living room windows. To the side is a smaller paved area that provides an outlook from north-west facing glazed doors and windows of the dining room within a single-storey addition to the original house. That room also has a north-east facing window. The occupier of No 22 indicates that the dining room is used for entertaining, socialising and working from home.
5. The paved area is enclosed by a fence alongside the adjacent footpath, a garage/outbuilding within the garden of No 22 and part of the rear wall of the appeal building. Both the Council and the appellant indicate that the wall is about 2.8m in height and it forms part of the outlook from the window and glazed doors of the dining room.
6. Taking account of its distance from the windows I consider that the appeal building is not an unacceptably over-dominant presence when seen from within the room. I nevertheless agree with the occupiers of No 22 that its unfinished appearance detracts from the outlook from the dining room. The dining room is lit by windows in the north-west and north-east walls and I consider that the appeal building does not materially detract from natural light reaching that room.
7. At the time of my visit the paved area at No 22 was being used to store building materials and rubble that appeared to be connected with the refurbishment of the house. Nevertheless this area is immediately outside the access to the garden from the house and as such I can understand the value placed upon it by the occupiers of that property.
8. I consider that the wall of the appeal building does not have an unacceptably over-dominant effect on the paved area; however the unpainted raw render of the rear wall results in an unattractive appearance. The application form indicates that the walls of the building are to be rendered "to match existing". The only pre-existing rendered walls on the appeal site are those of the dwelling which are finished in white and I saw that part of the front wall of the appeal building had been painted in a cream colour. If finished in a similar manner to the front or in white to match the house I consider that the rear wall would have an acceptable appearance and would not unacceptably detract from the living conditions of the occupiers of No 22 Norfolk Place.
9. Taking account of all matters I have concluded that subject to a specific requirement to finish the exterior rear wall of the building as indicated on the application form the outbuilding would not unacceptably detract from the living conditions of the occupiers of No 22 Norfolk Place. The proposal would not conflict with Policy ENV 39 of the 2004 UDP or Policies CS01 and CS07 of the *London Borough of Bexley Core Strategy 2012*.

Conditions

10. The Council indicates that no conditions are required; however to ensure a satisfactory appearance I have imposed a condition requiring that the external wall adjacent to No 22 Norfolk Place is finished within a period of three months from the date of this permission. The condition is drafted in this form because

the majority of the development has already taken place and the building appears already to be in use in connection with the dwelling. Should the requirement of the condition not be met the benefit of the planning permission falls away. In the interests of good practice I have imposed a condition identifying the approved drawing.

Conclusion

11. Taking account of all matters I have concluded that the outbuilding would not unacceptably detract from the living conditions of the occupiers of No 22 Norfolk Place as regards light and outlook and that subject to a condition requiring that the rear wall should be finished in accordance with the application the appeal should succeed.

Clive Tokley

INSPECTOR