

Appeal Decision

Site visit made on 21 March 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/D5120/D/17/3168510
26 Barnes Cray Road, Dartford, DA1 4NR

- 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 Mrs Mai Doan against the decision of London Borough of Bexley Council.
 - The application Ref 16/01768/FUL, dated 28 August 2016, was refused by notice dated 8 November 2016.
 - The development proposed is rear conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a rear conservatory at 26 Barnes Cray Road, Dartford, DA1 4NR in accordance with the terms of the application Ref 16/01768/FUL, dated 28 August 2016, and the 1:1250 scale annotated site location plan and the 1:100 scale on A4 proposed conservatory drawing submitted therewith.

Procedural Matter

2. The planning application form states that the conservatory for which permission is sought was erected in July 2015. The retrospective nature of the proposal does not affect my consideration of its planning merits.

Main Issue

3. I consider that this is the effect of the proposal on the living conditions of the occupiers of the adjoining residential properties by way of an overbearing effect.

Reasons

4. The appeal property is a semi-detached house, the rear of which faces just west of south. The conservatory occupies almost the full width of the house. The side towards the east projects nearly 3 metres beyond an existing small rear extension, on the line of the side wall of the house. This is separated from the boundary by well over a metre. There is a similar distance between the boundary and the main side wall of next door house at no.24. This house has a rear extension, in which the window is some distance again from the side wall towards the appeal site, with patio doors beyond. The neighbouring houses are
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at approximately the same elevation. In this relationship, I consider that the conservatory is well separated from the neighbour's living accommodation, while they continue to enjoy an open aspect into their own rear garden. I consider that there is no overbearing effect on this side.

5. The conservatory is set slightly back from the common boundary with the attached house at no.28. It projects 4 metres from the main rear wall of the building. There are double glazed doors with windows in the neighbour's living room adjoining the boundary. The conservatory is in full view from this position. However, the eaves line is less than 3 metres above floor level, while the glazed upper part of the side elevation allows light through and contributes to a much less overbearing presence than would a solid wall. I consider that the conservatory is unlikely to detract significantly from the enjoyment of the neighbour's patio, and will have no effect on sunlight on it after midday. There will continue to be a pleasing open aspect to the south, over the garden as it drops down to a stream and open land beyond. I consider that there is no materially overbearing effect here either.
6. Neighbours on both sides have indicated that they do not object to the conservatory. In addition, though not mentioned by the parties, I note that the projection of 4 metres is significantly less than the 6 metre allowance for conservatories on an attached house, until 30 May 2019.
7. Thus I conclude overall that the proposal would not materially prejudice the living conditions of the occupiers of the adjoining residential properties by way of an overbearing effect. There would be no conflict in this respect with Policy ENV39 in the Bexley Unitary Development Plan [UDP] (2004). I also find on balance that the principle of not adversely affecting adjoining outlook, as set out in the UDP Design and Development Control Guideline (2004), would not be contravened, albeit the conservatory projects more than the recommended 3.5 metres. I find that neither of the other development plan policies cited on the Council's decision notice are of direct relevance.
8. The Council has not suggested any planning conditions. However, I consider that it is necessary to specify the relevant drawings in my formal decision as this provides certainty as to what is being approved.
9. Subject to this proviso there is therefore no reason to withhold planning permission, and I allow the appeal.

G Garnham

INSPECTOR