
Appeal Decision

Site visit made on 14 March 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: 27 March 2017

Appeal Ref: APP/D5120/D/16/3160489

8 Rowan Road, Bexleyheath, Kent DA7 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Laurie Bennett against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/01924/GPDE, dated 15 July 2016, was refused by notice dated 19 August 2016.
 - The development proposed is a single storey rear/side extension.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear/side extension at 8 Rowan Road, Bexleyheath, Kent DA7 4BW in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural Matters

2. The application was made in the names of Mr & Mrs Bennett. The appeal has been made by Mrs Laurie Bennett, however the right of appeal is given to 'the applicant' and where there is more than one applicant, the right of appeal can be exercised by any of them. Therefore the appeal can proceed in the name of Mrs Laurie Bennett whose name I have used in the heading above.
3. The appellant has completed a Certificate of Lawful Use or Development appeal form. However, it is clear from the original application and the Council's decision that the appeal is against a refusal to grant prior approval and I have dealt with the appeal on that basis.
4. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issue

5. Therefore, the main issue raised by this is appeal is whether the impact of the proposed development on the amenity of any adjoining premises would be acceptable.
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Reasons

6. The appeal property is a terraced house with a substantial rear offshoot which has a second floor extension. No 10, one of the adjoining houses in the terrace, has a similar offshoot, although without an addition to its roof. This arrangement leaves a relatively narrow space between the two offshoots which is divided by a solid timber fence. The proposed extension would fill in that part of this space on the appeal site at ground floor level with an extension whose roof would slope up from the boundary.
7. This narrowing of the existing space above the height of the fence would reduce part of the outlook from the adjoining window in the rear elevation of No 10 which serves a habitable room. It would also reduce the levels of diffuse daylight reaching rooms served by the rear window and a glazed door in No 10's offshoot.
8. However, the constrained space which already exists to the rear and the boundary fence would mean that both outlook from, and light entering, ground floor windows in No 10 would be considerably restricted by the existing arrangements. Nevertheless, the effect of the proposal would be to restrict them further, albeit by a limited amount. However, the Council's decision notice advises that an extension of 3.5m in length would accord with UDP guidelines¹. At 3.97m, the proposed extension would be slightly longer than this guideline figure. However the difference in the effects on outlook, light and sense of enclosure between the proposal and that which the Council consider acceptable would be very limited.
9. Therefore although the proposal would have a limited harmful effect on the living conditions, and hence amenity, of occupiers of No 10 in terms of reduced light and outlook, and an increased sense of enclosure, this would not be materially worse than that which would arise from an extension of the length the Council consider acceptable. The relative orientation of the proposed extension to the neighbouring property would avoid any harmful overshadowing of No 10's garden. On balance, therefore, the proposal would be acceptable.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Geoff Underwood

INSPECTOR

¹ Unitary Development Plan – Design and Development Control Guidelines, paragraph 2.3.2 (1).