
Appeal Decision

Site visit made on 11 April 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/D5120/D/17/3167494

44 Dartford Road, Bexley, Kent DA5 2NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr G Harwood against the decision of the London Borough of Bexley Council.
 - The application Ref 16/02048/FUL, dated 10 September 2016, was refused by notice dated 13 December 2016.
 - The application sought planning permission for a part one/part two storey side and front extension incorporating garage, alterations to roof line and front canopy, single storey rear extension without complying with a condition attached to planning permission Ref 14/01751/FUL, dated 17 November 2014.
 - The condition in dispute is no2 which states that: *"The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, being Drawing No(s) 02/ph2 (existing elevations), 02/ph2A, 05/ph2, 07, 08, 09A and 10A and any approval granted subsequently pursuant to this permission."*
 - The reasons given for the condition are: *"To prevent any unacceptable deviation from the approved plans"*.
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Decision

1. The appeal is allowed and planning permission is granted for part one/part two storey side and front extension incorporating garage, alterations to roof line and front canopy, single storey rear extension at 44 Dartford Road, Bexley, Kent DA5 2NT in accordance with the application Ref 16/02048/FUL made on 10 September 2016 without complying with condition no2 set out in planning permission 14/01751/FUL granted on 17 November 2014 by the London Borough of Bexley Council, subject to the following condition:
 1. The development hereby permitted shall be maintained in accordance with the following approved plans: 1:1250 Location Plan, Drawing nos 01, 02, 03, 04 and 05.

Procedural Matter

2. As set out above, planning permission Ref 14/01751/FUL, for the erection of a part one/part two storey side and front extension incorporating garage, alteration to roof line and front canopy, single storey rear extension was granted by the Council on 17 November 2014.

3. It is understood that minor amendments to the approved scheme were approved by the Council to allow for the use of the garage within the side extension as a habitable room, which is highlighted as a lounge on the 'as built floor plan' before me. However, the extensions were not built in accordance with the approved plans, nor were the minor amendments which were subsequently agreed by the Council. Consequently, the appellant submitted an application for the variation of condition no2 of planning permission Ref 14/01751/FUL to seek minor material amendments to the design of the approved scheme, namely the omission of a single storey rear extension, front and rear gables to the main roof line and a change to the external finishing material.
4. The Council also highlights the use of a grey Canadian slate, instead of the approved interlocking tiles to the roof, with the finishing materials to the external elevations being of a white render, rather than the part render/part timber cladding that was approved. The Council considers that the alterations and extensions to the house which have been incorporated, which are at variance with the approved designs, have resulted in an extended building which is out of scale and proportion with the original house and the surrounding houses in the locality.

Main Issue

5. Consequently the main issue is the effect that the appeal proposal has upon the character and appearance of the area.

Reasons

6. The site is situated within a residential street comprising a wide variety of building designs and forms, but generally consisting of quite large detached dwellings, some of which have been altered and extended over time.
7. The subject dwelling has been extended with a seamless ridge and eaves line, and with a continuous single storey lean-to roof extension/canopy over the ground floor to the front elevation. At first floor level the window closest and adjacent to Mornington Crescent is set within a rectangular bay, and overall the finish and fenestration give the dwelling a contemporary appearance. However, whilst this varies to a degree from the more traditional facing brickwork on many other dwellings within the locality I consider that the overall design is quite subtle and of a good quality.
8. I accept that the alterations and extensions which have been incorporated are clearly at variance to the previously approved design of the dwelling as was planned to be extended. However, I consider that the extensions, taking into account the recessed elevations at both ground and first floor level to each side of the respective bay windows of the two-storey side extension, that there is a reductive hierarchy of forms. In totality, the overall composure of the dwelling does not form an incongruent feature within the street scene.
9. I note that the Council considered during its determination of the original planning application (Ref 14/01751/FUL) that the extension was not subordinate to the main house, and that the originally approved forward facing gable and projecting bays assisted in breaking up the otherwise unrelieved extended width of the house. However, as I have highlighted above, the front elevation of the

extension, whilst not subservient in its overall scale, does provide a design approach which enables one to read it as an extension to the original dwelling and the consequent result remains of a different, but still relieved front elevation. This is notwithstanding that I accept that the strong verticality in the original approval has been lost to some degree and that the rear elevation as built would be seamless and in line with that of the original dwelling.

10. Overall however, I consider that these changes, combined with the change to the external materials utilised within the development preserve the character and appearance of the area. I find that the proposal complies with Policies ENV39 and H9 of the London Borough of Bexley Unitary Development Plan 2004 which require the siting, design and external appearance of extensions to be compatible with the character of the existing building and adjacent buildings and not to adversely affect the street scene by reason of scale, massing, height, elevational treatment and materials employed to external elevations.

Conclusion and Conditions

11. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
12. The Council has suggested that conditions be imposed that require the materials to be used in the construction of external surfaces of the development to match those used in the existing building, the development to be carried out in accordance with the approved plans, as well as requiring works to be completed within a period of three months from the date of this decision. However, as the proposals before me are implemented and substantially complete, I consider that these conditions are unnecessary. However, for the avoidance of doubt as to the scope of the permission and pursuant to the application to vary condition no 2 attached to planning permission Ref. 14/01751/FUL I have imposed a condition making explicit reference to the plans the subject of approval.

C J Tivey

INSPECTOR