

Appeal Decision

Site visit made on 19 April 2017

by G Powys Jones MSc FRTPI

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

Decision date: 3 May 2017

Appeal Ref: APP/D5120/D/17/3170179

363 Brampton Road, Bexleyheath, Kent, DA7 5SA

- 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 Lee Fitzgerald against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/03015/FUL, dated 11 December 2016, was refused by notice dated 3 February 2017.
 - The development is described as retention of outbuilding for spa facilities.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The outbuilding has been erected and the applicant, in effect, wishes to retain it. I shall proceed on this basis.
3. The Council's description of the development is utilised in preference to that contained in the original application form on the grounds of accuracy and conciseness.

Main issue

4. The main issue is the effect of the development on the living conditions of the neighbouring resident of 365 Brampton Road with particular reference to visual impact, sunlight and outlook.

Reasons

5. The timber clad, ridge roofed outbuilding has been built on a stoned patio area about 2m away from the rear elevation of the host property, close to the common boundary with 365 Brampton Road. According to the dimensions annotated on the submitted plans it is over 4m long, over 3m wide, its eaves are set at 2.4m and its ridge height is 3.3m.
 6. This is not an insubstantial outbuilding, and a significant proportion of it is plainly visible from the neighbouring curtilage above the timber, latticed fence erected along part of the common boundary and the far lower patterned concrete panelled wall which marks the remainder of the boundary.
 7. Its height, size and position is such that it appears as a dominating and obtrusive structure when viewed from No 365's garden, especially its patio
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area, and from within the house through the glazed patio doors sited close to the structure. Given that the outbuilding is sited to the south of the common boundary, it would inevitably affect sunlight and cast a shadow on some of No 365's patio during part of the day.

8. I conclude that the outbuilding comprises an un-neighbourly development harming the living conditions of the resident of 365 Brampton Road by reason of visual impact, effect on outlook and sunlight. Accordingly, a material conflict arises with those provisions of saved policies H9 & ENV39 of Bexley Council's Unitary Development Plan (UDP) requiring development not to harm neighbouring residential amenities.

Other matters

9. I share the appellant's view, especially given that the outbuilding is not noticeable in the public realm, that it has had a very limited and not unacceptable effect on local character.
10. I note the appellant's point that only one person objected from the many more consulted on the application. That is the case, but as I have found, she is harmfully affected, and I can therefore well understand why the adjacent resident would wish to object.
11. I also note the appellant's references to what may constitute permitted development and the condition of the boundary prior to the development proceeding. However, there is no apparent dispute that planning permission was required prior to the erection of the outbuilding, and I have arrived at my determination principally on the basis of what I saw.
12. All other matters raised in the representations have been considered and taken into account, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR