

Appeal Decision

Site visit made on 22 June 2017

by D Cramond BSc MRTPI

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

Decision date: 06 July 2017

Appeal Ref: APP/D5120/D/17/3171871

2 West Heath Close, Crayford, Dartford, DA1 3PD

- 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 Ayo Itoya against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/02930/FUL, dated 14 November 2016, was refused by notice dated 9 January 2017.
 - The development proposed is a conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a conservatory at 2 West Heath Close, Crayford, Dartford, DA1 3PD in accordance with the terms of the application, 16/02930/FUL, dated 14 November 2016, subject to the following condition:
 1. Before 31 December 2017 the windows on the northern elevation of the conservatory shall be re-glazed with obscure glass. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the glass is installed and once installed the obscured glazing shall be retained thereafter.

Preliminary Matter

2. The development has been completed; this does not alter my approach to determining the merits or demerits of the proposal.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the host property and the locality and ii) living conditions for neighbours.

Reasons

Character and appearance

4. The appeal property is semi-detached two storey dwelling with a significant, but visually integrated, two storey extension to the rear. The established residential neighbourhood is characterised by residential properties of a generally similar nature on plots which are suitably scaled and the whole comes together to form an area of pleasing suburban appearance. The appeal proposal is as described above.
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5. The Council cites conflict with saved Policies ENV39, H3 and H9 of the Unitary Development Plan (2004) (UDP) and its Design and Development Control Guideline 2 (DDCG). In broad terms, taken together and amongst other matters, these call for suitably scaled well designed development sympathetic to a host property and a site's wider setting, with protection of character and appearance generally being a principal aim. The DDCG provides guidance on dimensions for extensions to dwellings although it does not specifically concern itself with single storey elements which are not on common boundaries. It also does not deal with single storey additions to new two storey elements which in themselves have been deemed to comply with the document by reason of their scale and siting *off* the fence-line. The appeal scheme is thus something of a hybrid in DDCG terms and I would say that use of guiding dimensions from the document has to be handled with care.
6. In summary the Council is concerned that the conservatory by reason of its size, siting, design and appearance, both in isolation and in combination with the existing additions and outbuilding at the site, results in the introduction of an intrusive, alien and awkward development, overdeveloping the property to the detriment of immediate and wider character and appearance.
7. For my part I would deem the conservatory in isolation to be the sort of structure one frequently finds to the rear of suburban dwellings. The shape and materials associated with conservatories very often do not take their main design cues from the host property and in many cases this is quite a reasonable proposition. They are seen for what they are which is a transition between indoor and outdoor space with glazing prevailing and less solidity and more visual exuberance than the main host property. This conservatory would fall into that category and in isolation does not look uncomfortable or of excessive scale in this reasonably sized garden.
8. I can see the Council's point that when added to the depth and massing of the two storey rear extension and other built form at the appeal site one needs to consider impacts in combination. However even by this test I am not persuaded that the scheme would be symptomatic of overdevelopment. The extension ties in well with the host property and the conservatory is as described in the paragraph immediately above. Footprint relative to the original property has been markedly increased but in my opinion this plot can accommodate that, and a substantial projection out to the rear, particularly when part of this is in less 'solid' conservatory form. It is not jarring on the eye and being based at a ground level which is notably below a large part of the rear garden only helps its integration into the immediate and wider scene.
9. Given all of the above I conclude that the appeal scheme would not run contrary to the policies I refer to in paragraph 5 and furthermore, there would not be conflict with the *objectives* of the DDCG which reflects these policy aims and in any event cannot be expected to have content to cover every situation in detail.

Living conditions

10. The conservatory is sited on the south side of the neighbouring rear garden and at No. 1. The Council is concerned that it is overbearing and unduly reducing light to this property.

11. Certainly the conservatory is readily visible from the adjacent garden and property, and this is not helped by the present fence being of a scale which is below 'permitted development' height, but I would determine that the Council is over-stating the harm that this visibility would cause. Importantly the conservatory is not erected on the common boundary but rather some distance into the appeal site and thus guidance on projection lengths should be treated with caution. The eaves height is a modest 2.2 metres approximately with the roof hipped away from the boundary to a ridge, at broadly right angles to the fence line, of about 3.3 m in height. The structure is 'lightweight' in appearance and not visually foreboding, and projecting conservatories are a frequently found phenomenon in suburban type settings. In all the circumstances I would deem the structure to be not unreasonably overbearing.
12. By reason of its shape, fully hipped roof, floor area, overall height, set-in from the boundary and distance from key windows of the adjoining property I am not persuaded that loss of light would be extensive as a result of the development. The neighbouring garden is open and generous in scale. At most, at times of the year when the sun is low in the sky, the structure would cast a modest and passing shadow onto the neighbours' property and impact from this would not unduly impinge upon living conditions.
13. Notwithstanding that anyone presently standing in the garden of the appeal site can readily see over the fence which is in situ I would agree with the neighbour that there is a marked degree of actual and perceived overlooking available from within the conservatory. Intrusion upon privacy from within a home is likely to be a more frequent occurrence than from outside activity and thus I shall deal with this matter via a suitable planning condition.
14. Saved Policies ENV39 and H9 of the UDP and the DDCG also seek to protect the amenities of neighbours and given the foregoing I would conclude that the appeal scheme would not run contrary to this objective.

Conditions

15. The Council suggests a condition that works are to be carried out in accordance with listed, approved, plans. However as the scheme has been completed and accords with the relevant plans I would deem such a condition to be unnecessary. The suggestion by the Council that the north facing windows of the conservatory should be fitted with obscure glass would, as highlighted above, be appropriate in the interests of privacy for the nearest neighbours. I shall give a reasonable period for these works to be undertaken.

Overall conclusion

16. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property and the locality nor on living conditions for neighbours. Accordingly the appeal is allowed.

D Cramond

INSPECTOR