
Appeal Decision

Site visit made on 19 June 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: 31 July 2017

Appeal Ref: APP/D5120/W/17/3171584

61 Parkhurst Road, Bexley DA5 1BA

- 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 & Mrs Rodney Azavedo against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/02976/FUL, dated 5 December 2016, was refused by notice dated 9 March 2017.
 - The development proposed is a new build annex.
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Decision

1. The appeal is allowed and planning permission is granted for a new build annex at 61 Parkhurst Road, Bexley DA5 1BA in accordance with the terms of the application, Ref 16/02976/FUL, dated 5 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: PR/01 Rev 2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building at 61 Parkhurst Road.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the rear or side elevations.
 - 5) The building hereby permitted shall not be occupied until the bathroom window in the rear elevation has been fitted with obscured glazing, and no part of that window shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
 - 6) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 61 Parkhurst Road, Bexley DA5 1BA.

Main Issues

2. The main issues raised by this appeal are the effect the proposed development would have on the living conditions of occupiers of neighbouring residential properties and on the character and appearance of the area.

Reasons

Neighbours' living conditions

3. The appeal proposal would consist of a single storey building with a hipped roof located at the end of a long rear garden behind a detached house. It would be situated close to the boundary with 16 St Thomas Court which is immediately to the rear of the site and has a considerably smaller rear garden than No 61. The side elevations would be situated close to the boundary with the gardens of 1A St Thomas Court and 59 and 63 Parkhurst Road. I was able to view the appeal site from No 16 and noted that its modest garden meant that the rear of that house is positioned close to the appeal site and has a degree of enclosure to the rear as a result of existing trees, vegetation and adjoining buildings.
4. The size and height of the annex would mean that it would be more conspicuous from No 16 above the close boarded boundary fence than existing outbuildings on the site. In this respect it would alter an element of the existing view from the rear windows and garden of No 16. The annex would also, according to interested parties' figures, be closer to the rear windows, including those of the conservatory of No 16, than the 16m minimum guidelines in supplementary guidance¹ and UDP² guidelines³ recommend between windows serving a habitable room and a blank wall of a building. The annex's proximity to the boundary with No 1A would mean it would be visible above the boundary fence from that property's garden.
5. However, the hipped roof would slope away from the boundaries and the resulting scale, mass and height of the proposed building, experienced beyond the existing boundary fence, would not result in an overbearing or harmfully intrusive effect on the rear aspect or gardens of Nos 16 or 1A, or those of other adjoining properties.
6. Windows in the front elevation of the annex would indirectly face the rear elevations of the two adjoining properties at Nos 59 and 63, although they would be situated some distance from them. Interested parties have calculated that the distance between windows in the front elevation of the annex and those nearest in the rear elevations of Nos 59 and 63 would be less than the minimum separation distance of 22m between windows serving habitable rooms or kitchens recommended in the Council's guidelines.
7. However, the UDP advice also refers to achieving separation through the use of suitable design techniques, such as landscaping or screen fencing. The windows would not directly face one another but would be at an angle. Notwithstanding any difference in levels between the respective gardens, the combination of this angle, the single storey arrangement of the annex, existing intervening garden boundary treatments on either side and the distance between the respective windows would avoid any harmful loss of privacy arising.

¹ Design for Living Supplementary Planning Document, 2006.

² Bexley Council Unitary Development Plan, 2004.

³ Design and Development Control Guidelines.

8. The relationship with No 61 itself would be more sensitive as the windows in the two buildings would directly face one another. However, provided that the building would be occupied on the basis of an annex to No 61, the shared relationship between occupiers would mean that any effects as a result of the sharing of access and mutual overlooking of windows and outdoor space would be significantly less marked than it would be if the buildings were occupied in a form which would be independent from one another.
9. The proposed annex would not have a materially harmful effect on the living conditions of neighbouring occupiers, notwithstanding that separation distances would be slightly less than the minimums referred to in Council guidance. As such the proposal would accord with saved UDP Policies ENV39 and H9 which seek to ensure that development does not adversely affect the privacy, amenity and outlook of adjoining residents or prejudice their environment, amongst other criteria. In doing so the development would also avoid conflict with the National Planning Policy Framework's (the Framework) policies requiring good design and its core planning principle of always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

10. The immediate vicinity of the appeal site is largely characterised by houses on Parkhurst Road with generous back gardens which back onto properties with more modest gardens on St Thomas Court. This results in an attractive and spacious character, particularly to the rear of properties on Parkhurst Road and an interested party points out that the area is one designated as having special residential character. I noted that some of these gardens have outbuildings of various sizes and shapes, including two modest sheds within the appeal site. The proposed annex would appear larger and have a more domestic appearance than many of the existing outbuildings.
11. Nevertheless it would not be so large as to appear at odds with its surroundings or fundamentally alter the existing character of large dwellings with more subservient buildings set towards the end of sizeable gardens. Its situation would mean that it would be relatively discreet from views from surrounding streets as a result of intervening buildings and garden enclosures and planting.
12. The area taken up by the annex's footprint would mean that a considerable area of the existing rear garden would remain between the proposed annex and the host dwelling. This would avoid the development appearing cramped or significantly reducing the garden area within the site or in the area more generally, even taking the proposed rear extension at No 61 into account.
13. The annex would be compatible with the area's character and its scale, massing and other aspects would not result in overdevelopment. Consequently, it would comply with UDP Policies ENV39 and H9. It would reflect the characteristics, including the residential gardens, of Bexley's suburban character and as such would accord with criterion h of Core Strategy⁴ Policy CS01. It would also avoid conflict with the aforementioned Framework policies in this respect.

⁴ Local Development Framework Development Plan Document, Bexley Core Strategy, 2012.

Other Matters

14. It has been suggested that the proposal would set a precedent for other similar developments. However, no directly comparable sites to which this might apply have been put forward and each appeal must be determined on its individual merits. A generalised concern of this nature does not justify withholding permission given the circumstances in this case.
15. Whilst the Council's report advises that the other half of the street to the northwest of the site is in a Conservation Area, there is no evidence to indicate that the appeal site itself is within the Conservation Area as suggested by an interested party. Given the extent of intervening buildings along the south east side of Parkhurst Road between the site of the proposed Annex and Parkhurst Road itself, there is no evidence to suggest that the development would affect the setting of the Conservation Area.
16. An interested party has pointed out that the situation of the annex in relation to the surrounding boundary fences would conflict with the Council's guideline of retaining a 1.5m gap between flank walls and site boundaries. However, the guidelines state this is to safeguard natural light, ensure independent access to the rear and help maintenance. The configuration of the annex means that only a bathroom would be lit by a window facing the boundary and the arrangement would not harmfully affect natural light in this respect. Whilst access and working space would be constrained there is no evidence to suggest that, even at its narrowest, reasonable maintenance access could not be achieved.

Conditions

17. It is necessary to specify the approved plan as this provides certainty. Requiring materials to match the host building will preserve the character and appearance of the area. It is necessary to prevent windows being inserted in the side and rear elevations to avoid any loss of privacy which could arise to neighbouring occupiers should they be introduced. For the same reason it is necessary to require that the bathroom window contains obscure glass and does not open, given its proximity to the boundary with No 16. Although not suggested by the Council, the standard nature of such a condition will mean that the interests of any parties will not have been prejudiced in attaching it.
18. The annex would be situated within the garden of the host dwelling and the means of accessing it would run immediately adjacent to it. This sensitive relationship would mean that independent occupation of the building on a basis unrelated to the occupancy of the main dwelling would be likely to harm the living conditions of occupiers of both properties. It is therefore necessary to require that the annex is only used for purposes ancillary to No 61.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, the proposed development would not materially harm the living conditions of occupiers of neighbouring residential properties or the character and appearance of the area and would accord with development plan and Framework policies. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR