
Appeal Decision

Site visit made on 25 July 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 7 August 2017

Appeal Ref: APP/D5120/D/17/3172938
15 Palmar Road, Bexleyheath, Kent DA7 4LJ

- 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 Ms Sharon Byrne against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/03013/FUL, dated 23 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is part two storey part first floor rear extension and removal of parapet to existing single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above is taken from the decision notice. This describes the proposals more succinctly than the description set out on the original application form.

Main Issues

3. These are the effect of the proposal on the living conditions for occupiers of the neighbouring properties with particular reference to privacy and outlook.

Reasons

4. The appeal property is a semi-detached house which has been extended to the side and rear. The property is adjacent to a small roundabout in Palmar Road and the orientation of the pair of semi-detached dwellings differs from that of the neighbouring properties to either side.
5. The proposed two storey extension would cover part of the width of the rear of the house but would be set away from the party boundary with No 13 Palmar Road, which is the other half of the semi-detached pair. There are no windows proposed in the side of the proposed extension. I am satisfied that there would not be adverse effects from the proposed extension for the occupiers of No 13.
6. The properties immediately to the west of the appeal site appear similar to semi-detached properties but each is divided in two. Nos 17 and 19 are immediate neighbours to the appeal property. Entrance to these properties is from the side elevation facing towards the appeal property. As well as extending upwards over the existing single storey extension, the proposal would infill a small area at ground floor level on the south western corner. The

proposed extension would result in a longer and two storey height wall facing towards the neighbouring properties. Whilst there would be no first floor windows in the side wall, a first floor window to serve the proposed bedroom extension would be positioned in the rear wall.

7. I accept that overlooking from first floor windows is not uncommon in built up areas. However, in this case the orientation of the appeal property in relation to Nos 17 and 19 is such that, given the size and position of the proposed window, it would overlook the rear garden of the neighbouring properties to an unacceptable degree. As such, it would result in an unacceptable loss of privacy for users of the garden of these properties. In this respect it would not meet the requirements of 'saved' policy ENV39 of the London Borough of Bexley Unitary Development Plan adopted April 2004 (UDP) which seeks to ensure that all development including extensions would not prejudice the environment of the occupiers of adjacent property. The proposal would not meet the requirements of Policy H9 (2) or the Design and Development Guidelines for extensions set out in the UDP as it would adversely affect privacy.
8. The principal windows to Nos 17 and 19 face towards the front and rear. Whilst there are side windows in these properties, at first floor level these are relatively small windows and one of them has obscure glazing. The appeal property is set away from the common boundary with Nos 17 and 19, and Nos 17 and 19 have a driveway adjacent to the common boundary. There is an existing brick wall and trellis fence on the boundary. The existing single storey rear extension to the appeal property includes a parapet wall making it relatively high. The two storey extension would not extend beyond the rear wall of the existing single storey extensions, other than at the south western corner.
9. Taking the above factors into account and the relative positions of the buildings I am satisfied that the proposed extension would not unacceptably harm the outlook from Nos 17 and 19 or appear overbearing when experienced from this property. The massing and scale of the proposed extension would not in itself be harmful or out of place and in these respects the proposal does not conflict with UDP Policies ENV39 and H9.
10. Given the wide ranging nature of Policy CS01 of the Bexley Core Strategy (adopted February 2012) with regard to sustainable development throughout the Borough, any conflict with this policy would not be substantive. However, the National Planning Policy Framework sets out as one of its core planning principles that planning should always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings. The proposal would fail to meet this standard with regard to matters of privacy.

Conclusion

11. For the reasons given above I conclude the appeal should be dismissed.

J E Tempest

INSPECTOR