

Appeal Decision

Site visit made on 2 August 2017

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 21 August 2017

Appeal Ref: APP/D5120/D/17/3179009

58 Lincoln Road, Erith DA8 2EE

- 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 F Patel against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/00395/FUL, dated 10 February 2017, was refused by notice dated 4 May 2017.
 - The development proposed is demolition of existing conservatory and erection of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing conservatory and erection of single storey rear extension at 58 Lincoln Road, Erith DA8 2EE in accordance with the terms of the application 17/00395/FUL, dated 10 February 2017, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at 1:1250 Scale; and drawing nos. FV-2017-01, 02, 03, 04, 05, 06, 07B, 08B and 09B.

Preliminary matters

2. Although the planning application form indicates the proposal had not been implemented it was determined by the Local Planning Authority (LPA) on a retrospective basis. I observed on site that the extension which is the subject of this appeal has been constructed. The LPA requested that I assess the appeal proposal from the adjoining No.56 Lincoln Road. No one was present at the time of my site visit, however the rear of both Nos. 56 and 58 can be clearly seen from adjoining public amenity land such that I am satisfied that I have seen sufficient to assess the impact of the appeal proposal.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of the occupiers of 56 Lincoln Road, with particular reference to outlook.

Reasons

4. Nos. 56 and 58 form a semi-detached pair of two storey dwellings occupying generously sized plots between the dwellings on Ely Close and the wide highway entrance into Lincoln Close. The large rear gardens to the dwellings provide a particular sense of spaciousness which is added to by an area of open amenity land immediately adjacent to No.56 at the entrance into Lincoln Close.

This openness is predominant in the outlook from the rear elevation of No.56. There is only a modest degree of enclosure immediately at the rear ground floor level of No.56 by virtue of an established small single storey outshot to this dwelling.

5. The appeal proposal broadly corresponds with this rear projection at No.56. The parapet to the flat roof is only marginally taller such that it is not dominant above the ridge line of the existing outshot at No.56. The extension only extends modestly beyond the rear wall of the outbuilding. Accordingly, the open outlook from the rear of No.56 has been preserved and the sense of spaciousness in the rear garden of No.56 remains.
6. I therefore conclude that the proposed extension does not have a significantly harmful effect on the living conditions of the occupiers of 56 Lincoln Road, with particular reference to outlook. Accordingly, the proposed development does not compromise the amenity considerations of Policies H3, H9 and ENV39 of the London Borough of Bexley Unitary Development Plan 2004 (UDP) which require, amongst other things, for development not to adversely affect the amenity of neighbours. Consequently, the proposal also accords with the objective of the National Planning Policy Framework to secure a good standard of amenity for all existing occupants of land and buildings.

Other matters

7. The reasons for refusal also make reference to local character and appearance but there is very little before me to explain or substantiate what the harm is. I am satisfied that the design and modest scale of the appeal proposal is compatible with the residential character of the area. Accordingly, the proposal does not conflict with those parts of UDP Policies H3 and ENV39 which relate to design and local character. Issues relating to construction quality are subject to the separate building control regulations and as such this matter is not material to my conclusion on whether or not planning permission should be granted.
8. I have taken into consideration that at 4 metres the depth of the extension would exceed the UDPs Design and Development Control Guidelines advice by 0.5 metre. This does not alter my view, taking into account the particular circumstances at the appeal location, that there is no harm to living conditions or the local character arising from the appeal proposal.
9. The reasons for refusal also include reference to harm arising from constructing the extension without the necessary planning permission in place. Whilst the community anxiety is understandable it would not be, in itself, a justifiable reason to withhold planning permission in this appeal given that I have found there is an absence of harm on the substantive issues.

Conclusion and conditions

10. For the reasons set out above, I conclude that the appeal should succeed.
11. As the appeal proposal has been implemented the standard time limit condition does not apply but a condition requiring that the development is carried out in accordance with the approved plans which is necessary for the avoidance of doubt and in the interests of proper planning. The Council has also suggested an additional condition requiring a surface water system that demonstrates a sustainable drainage strategy to avoid increasing the flood risk. I have very

little information before me regarding flood risk at the appeal site and that such a condition would be necessary, relevant to the development and reasonable in all other respects. Therefore, and having taken into consideration the modest scale of the development permitted, I have not imposed it.

David Spencer

Inspector.