
Appeal Decision

Site visit made on 29 November 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 08 December 2017

Appeal Ref: APP/D5120/D/17/3181537
47 Beverley Avenue, Sidcup, Kent DA15 8HF

- 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 Miss Nicola Rogers against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/00911/FUL, dated 24 March 2017, was refused by notice dated 15 June 2017.
 - The development proposed is a single storey side extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of No 45 Beverley Avenue with particular regard to natural light and outlook.

Reasons

3. The appeal site is an end of terrace property, situated within a densely developed residential street. Though dwelling plots are generally relatively narrow, rear gardens are long and as such there is extensive separation between the rear of dwellings on Beverley Avenue and those on the adjacent Harborough Avenue.
 4. The proposed extension would be directly above and would replicate the area of the existing ground floor kitchen extension, which immediately adjoins the side boundary with the neighbouring dwelling at No 45. That property incorporates a single habitable room window in the rear elevation of the dwelling at ground floor level.
 5. The appeal site is located to the north-east of No 45. Therefore whilst some additional overshadowing of the rear garden area of that property could be expected during the morning hours, there would be no significant loss of direct sunlight to the rear of the dwelling including the internal area. However apart from sunlight it is also necessary to consider the effect on daylight. I am mindful that the Council's Design and Development Control Guidelines 2 advises that two storey extensions to terraced properties should normally be avoided in view of adverse effects on adjoining properties. Considering the
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height, depth and proximity of the proposed extension, I am not persuaded from the limited information before me, that the proposal would not block a significant amount of light from the sky entering the rear of No 45 such that the area currently lit by the window would not be made more gloomy. I therefore conclude that harm to the amenities of those neighbouring occupiers in terms of oppressive living conditions resulting from loss of natural light cannot be ruled out.

6. In terms of outlook, it seems to me that the depth of the extension combined with its proximity to the ground floor rear window and adjacent rear garden area serving No 45, would result in a greater sense of enclosure to the rear of that property. However, the occupiers of No 45 would continue to enjoy the extensive outlook directly to the rear which benefits from limited intervening buildings and substantial separation from the nearest dwellings. Therefore despite the greater sense of enclosure, given the specific circumstances of the site, I am not persuaded that the proposed development would result in harm to outlook. This however, does not overcome the harm identified above.
7. The appellant has referred to various properties in the wider area that have been the subject of previous two storey extensions. I have very limited information about these developments, however this does not justify the harm that I have identified in this case which I must determine on its own individual merits. Furthermore the question of whether the boundary would constitute a party wall is a private matter which would not have a bearing on the outcome of the appeal.
8. The appellant has also made the point that the adjoining neighbours have not objected to the proposal. Notwithstanding this, I have a statutory duty to consider the impact of development including on future neighbours, even when no specific objection from third parties has been forthcoming.
9. Whilst I have not found harm to outlook, for the above reasons I conclude that harm to the living conditions of the occupiers of No 45 Beverley Avenue, with particular regard to natural light, cannot be discounted. The proposal would therefore conflict with Policies ENV39 and H9 of the London Borough of Bexley Unitary Development Plan 2004 insofar as they seek to secure a high standard of design that does not adversely affect the amenity of residents.

Conclusion

10. For the above reasons and having considered all other points raised, I conclude that the appeal should not succeed.

Roy Merrett

INSPECTOR