
Appeal Decision

Site visit made on 7 November 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 14th December 2017

Appeal Ref: APP/D5120/W/17/3180816

138 Elstree Gardens, Belvedere, Kent DA17 5DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Iwona Piotrowska-Gliszczyńska against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/01265/GPDE, dated 18 May 2017, was refused by notice dated 28 June 2017.
 - The development proposed is the erection of a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The provisions of Schedule 2, Part 1, Paragraph A.4 of the Town And Country Planning (General Permitted Development) (England) Order 2015 (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The appellant has, since the original application confirmed a change of name and I have used that most recently advised for the purposes of this appeal.

Main Issue

4. Therefore, the main issue raised by this appeal is whether the impact of the proposed development on the amenity of any adjoining premises would be acceptable.

Reasons

5. Schedule 2, Part 1, Paragraph A.1 of the GPDO allows for the enlargement, improvement or other alteration of a dwelling house. Until 30 May 2019, paragraph (g) of that Class makes provision, subject to conditions, for single storey rear extensions up to 6 metres in length and 4m in height for properties other than detached dwellings.

6. The Council notified the occupiers of the neighbouring properties of the proposal and objections were received from the occupants of 136 Elstree Gardens. Prior approval was subsequently refused.
7. The appeal proposal is for a ground floor rear extension to a mid-terraced property. It would extend beyond the rear wall of the original dwelling by a maximum of 6 metres with the maximum height of its sloping roof being 3.3 metres falling to 2.7 metres.
8. The proposed extension would replace an existing conservatory which spans roughly two thirds of the width of the terrace and projects around 3 metres (though the submitted 'existing plans' incorrectly show the conservatory currently spanning the full width). The proposed extension would have a shallow sloping roof and although it would stand above the boundary fence and existing rear conservatory which has an opaque roof and open canopy at No 136, it would only marginally add to the sense of enclosure for the occupiers of No 136. The appeal scheme would not leave the occupants of No 136 with the view of a 3.3 metre high blank wall up against their boundary as has been suggested. Due to the position and orientation of the proposed scheme, it would not lead to any significant overshadowing or loss of light to the occupiers of No 136.
9. The same cannot be said of the opposite boundary. Here the Council has confirmed that they have issued a notice in June 2017 that prior approval was not required for a 6 metre depth extension to the rear of No 140. However on the day of my visit no work had commenced and I have no certainty that the extension at No 140 will proceed. I am required to consider the impact on properties either side as they currently stand and though the proposal would not give rise to a significant loss of light or overshadowing to No 140, due to the orientation it would give rise to an unacceptable sense of enclosure, obtrusive and overbearing effects on the living conditions of the occupants of No 140. I have had regard to the appellants comments that a replacement fence of 2 metres in height could be erected and that the ground levels in the garden step up which minimises the interplay between properties. However this does not lead me to a different conclusion.
10. Therefore on the basis of the current circumstances at No 140 I am satisfied that it would be reasonable and proportionate to withhold prior approval due to the impact arising from the scale of the appeal proposal, its proximity to the boundary with No 140 and its resulting impact on the amenity of the occupiers of that property.
11. Insofar as it relates to the impact of a proposal on the amenity of the occupants of adjoining premises, I have considered the development plan policy and development guidance cited by the Council. When taken together, Policy CS01 of the London Borough of Bexley Core Strategy (2012); Policies ENV39, and H9 of the Unitary Development Plan (2004) and the Design and Development Control Guidelines, these seek amongst other things to ensure that development proposals consider, respect and avoid loss of amenity, an approach with which the appeal proposal would fail to comply. The proposal would also run contrary to the core planning principles within the National Planning Policy Framework which in paragraph 17 includes that planning seeks to secure a good standard of amenity for all existing occupants of land and buildings.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Janet Wilson

INSPECTOR