



Appeal Decision

Site visit made on 29 November 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 22 December 2017

Appeal Ref: APP/D5120/D/17/3181308
11 Percy Road, Bexleyheath DA7 4DZ

- 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 C Comford against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/00525/FUL, dated 6 March 2017, was refused by notice dated 9 May 2017.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 11 Percy Road, Bexleyheath DA7 4DZ in accordance with the terms of the application, Ref 17/00525/FUL, dated 6 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 17/11/2A and 17/11/3A.
 - 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.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring property at No 9 Percy Road.

Reasons

3. The appeal property is a two storey terraced house within a residential area. The proposed single storey flat roofed extension would be 3.85m deep from the original rear elevation and would be 3.05m high. The submitted plans indicate that the scheme would extend from the existing single storey extension on the western side of the rear elevation of the main dwelling to the shared garden boundary with No 9 Percy Road.

4. On my site visit I saw that the neighbouring terraced house at No 9 has an existing single storey extension which projects to one side of the rear elevation, away from the shared boundary with the appeal property. The area in between contains open garden and patio doors/windows to habitable rooms. There is an existing wall, fencing and hedging along the shared garden boundary.
5. I acknowledge that the length and height of the extension would be visible when viewed from No 9. However it would be single storey with a relatively low flat roof, its depth would be modest in scale and the bulk of it would be screened by the existing wall or a new 2m high boundary fence referred to by the Appellant. Taking these factors into account I consider the proposal would not result in an unacceptable sense of enclosure for the occupiers of No 9. Furthermore due to the south facing orientation of the properties and the modest height and depth of the extension, I am satisfied that the proposal would not be materially detrimental to sunlight and daylight levels for occupiers of No 9.
6. Consequently I conclude that there would be no material harm to living conditions for the residents of No 9 Percy road. As such the proposal would be in accordance with Policies ENV39 and H9 of the London Borough of Bexley Unitary Development Plan (2004) (UDP) which both, amongst other things, seek to protect the amenity of neighbouring residents including in relation to outlook, daylight and sunlight. The development would also conform to the National Planning Policy Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.
7. I acknowledge that the development would be larger than the 3.5m depth specified for extensions to terraced properties in the UDP Design and Development Control Guidelines. However the additional depth of 0.35m would be small and the guidelines state that the extension '*should not normally exceed*' the stated measurement and therefore this is not a maximum standard. The purpose of these guidelines, amongst other things, is to protect residential amenity, including in relation to outlook and levels of daylight and sunlight. As I have found that there would not be material harm to living conditions for the occupiers of No 9, the proposal would generally be in accordance with these guidelines. In addition I note that the height of the extension would be less than the 3.1m specified.
8. Whilst reference has been made by both main parties to another single storey rear extension within the locality, full details have not been provided. In any case I have considered the appeal on its own planning merits.

Conditions

9. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG). I am satisfied that they meet the tests within the PPG and accordingly I include them within my decision.
10. Consequently I attach a condition requiring the development be carried out in accordance with the approved plans to ensure certainty. I also impose a condition requiring that the materials to be used in the construction of the external surfaces of the development match those used in the existing building to ensure a satisfactory appearance. A condition to prevent use of the flat roof

as a balcony or roof garden is also necessary to protect the amenities and privacy of the neighbouring residents.

Conclusion

11. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Y Wright

INSPECTOR