



Appeal Decision

Site visit made on 24 June 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Appeal Ref: APP/D5120/D/19/3227073
73 Westbrook Road, Welling DA16 1PS

- 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 Dhanji Kerai against the decision of the London Borough of Bexley Council.
 - The application Ref 19/00126/FUL, dated 20 January 2019, was refused by notice dated 1 April 2019.
 - The development proposed is a rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The development described in the application form has been implemented and accordingly I have determined the scheme on this basis.

Main Issue

3. The main issue is the living conditions of neighbouring occupiers with reference to overshadowing and intrusion.

Reasons

4. 73 Westbrook Road makes up a semi-detached pair with No 71. An earlier ground and part first floor rear extension has been further added to by the ground floor flat roofed extension to which this appeal relates. There is also a large outbuilding at the rear of the garden, on to which this extension faces across the remaining and much reduced garden area.
5. The extension is almost as wide as the host dwelling and projects approximately 3 meters from the rear of the original rear ground floor extension. Although not apparent from the public realm, the extension, in combination with earlier development on the property, is apparent from views from the rear of neighbouring properties and those that back on to the appeal site. The extent of the flat roofs of the different elements of development is also apparent in relation to neighbouring houses and their rear gardens.
6. When combined with the original extension to the house, the appeal extension results in the host dwelling being extended to an excessive degree in relation to the scale of the existing house and its modestly sized rear garden.

7. The depth of the extension and the proximity to No 71, results in a degree of enclosure to the rear of this property that is experienced as intrusive. The extension is overbearing on its occupiers when viewed from the ground floor rear rooms and garden of this neighbouring property.
8. Given the proximity of the extension to the rear ground floor window and glazed door of No.71 that open onto the main living space of his dwelling, there is an impact on indirect light entering this space. Furthermore, due to the orientation of the properties it is probable that there will be some loss of direct sunlight in the mornings, which may be exacerbated in winter when the sun is lower.
9. As well as the extension resulting in overshadowing and loss of light to the rear ground floor of No 71, it was apparent on my site visit that there is also perceived overshadowing and loss of light experienced on the paved area and garden nearest to the rear of this neighbouring property.
10. I find that the overbearing and loss of light causes significant harm to the living conditions of the occupiers of No 71. As such it would be contrary to Policy H9 and the Guidelines of the UDP, which seeks to ensure that development respects the amenity of occupiers of neighbouring buildings including daylight and outlook.

Conclusion

11. Although the policies of the UDP are now of some age, they do accord with the National Planning Policy Framework (the Framework), and I have given them significant weight in my considerations. Whilst the Framework places significant emphasis on maximising homeowners' freedom to alter and extend their properties to improve their living conditions, it also requires that new development should be sympathetic to local character provide a high standard of amenity for existing and future occupiers.
12. For the reasons given above the appeal is dismissed.

Victor Callister

INSPECTOR