



Appeal Decision

Site visit made on 8 July 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/D5120/D/19/3230290

11 Grace Avenue, Bexleyheath DA7 4NN

- 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 A Khakh against the decision of the Council of the London Borough of Bexley.
 - The application Ref 19/00488/FUL, dated 26 February 2019, was refused by notice dated 24 April 2019.
 - The development is described as proposed is first floor side and rear extension, ground floor front, side and rear extension and conversion of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side and rear extension, ground floor side and rear extension and conversion of existing garage at 11 Grace Avenue, Bexleyheath in accordance with the terms of the application, Ref 19/00488/FUL, dated 26 February 2019, 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; Existing and Proposed Plans GA/01 Rev 5.
 - 3) Notwithstanding the proposed grey HardiePlank cladding, 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on either side elevation at the first-floor level.

Procedural Matter

2. For clarity, the original description refers to a ground floor front extension. This feature is not evident on any of the plans. I have considered the appeal on the basis that the ground floor extension is to the side and rear as shown on the plans referenced above.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is a two storey, chalet-style, semi-detached dwelling. This style of property is widespread in the streets surrounding the appeal site, of which many have been extended in some form. One of the key features of this style of property is the distinctive catslide roof.
5. The main bulk of the appeal property is largely unaltered from its original form. The property has a lean-to conservatory extension on the rear elevation, a large detached single storey garage/workshop in the rear garden and car port on the side elevation.
6. The Council comment that there is a relatively consistent pattern of gaps between these semi-detached properties with side extensions being limited to the existing footprint rather than the gap between properties. The proposed development at the side of the property would extend to the boundary with the neighbouring property at the ground floor level and be set back by around 0.9m at the first-floor level. Neither element is however flush with the front building line, with the first-floor element set back over 5.5m from the front building line. I do not share the Councils view that this would be highly visible when viewed from the street. The property is not in a prominent or corner location and views would be mainly experienced when facing directly at the property and not from a wide angle. The development on the part of the site that currently serves as a gap with the neighbouring property is therefore not considered to have an unacceptable impact on the character of the area or the appearance of the street-scene.
7. The development would deviate from the original form and style of the dwelling, however in the context of the substantial amount and variation of extensions to this style of property in the surrounding area I do not consider that this would look out of place.
8. In view of the existing extensions at the property which would be subsumed by the proposed development, combined with the size of the appeal site of over 60m in length, I do not consider that the amount of development would represent the overdevelopment of the property.
9. There is some conflict with the UDP Design and Development Control Guidelines in relation to chalet extensions. These guidelines state, amongst other things, that chalet extensions should not detract from the original style, however I do not consider this causes demonstrable harm to the character and appearance of the area for the reasons outlined.
10. I conclude that the proposed development would not have an unacceptable impact on the appearance of the property or the character or appearance of the area. In this respect the proposal would comply with Policies H9 and ENV39 of the Bexley Council Unitary Development Plan (UDP) (adopted April 2004). In combination, these policies seek to ensure appropriate residential extensions and alterations and require development to protect and enhance the quality of the built environment.

Other Matters

11. I note that three objections were submitted to the planning application. These were considered by the Council in their assessment. Matters relating to the impact of the development on the character and appearance of the host property and the surrounding area are considered above. Objections were received in relation to the impact on the living conditions of surrounding residents. The Council considered that the development in terms of its size and use would not have an unacceptable impact on the living conditions of surrounding residents and, due to the position of the extension in respect of the boundaries and neighbouring windows, I agree that there would be no adverse effect upon the living conditions of the adjoining occupiers in respect of the provision of sunlight, daylight, outlook and privacy.
12. Objection was also made in relation to the impact on trees and on traffic and parking problems arising as a result of the development. No evidence was submitted from any party on these matters and following my site visit, I do not consider the development would adversely impact upon trees, traffic or parking. Comment was received in relation to the impact on a listed building. The Council have confirmed that the building is not listed, nor has any party highlighted that the setting of any listed buildings will be impacted upon.
13. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. A lack of publicity and pre-determination of the planning application were also raised. These procedural matters at the planning application stage are not determinative factors in the appeal. I do not consider that matters relating to rubbish and possible future disputes in the event of the neighbouring property wanting to carry out a similar development sufficient to withhold granting planning permission.

Conditions and Conclusion

14. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.
15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, this is in the interest of certainty.
16. The Council have requested a condition requiring the materials to be used in the external surfaces to match those used in the existing building. The development proposes the use of HardiePlank cladding in grey. This will not match the materials used in the existing dwelling. Whilst I find the use of this material to be acceptable and not cause harm, its use would conflict with the suggested condition. I will therefore impose a condition requiring the remaining external materials to match those used in the existing dwelling, this is in the interest of amenity.
17. The Council have also requested a condition removing permitted development rights that would allow windows to be formed in either flank elevation of the proposal at first floor level. This is to protect the amenities

and privacy of the adjoining properties. I consider that such a condition is necessary to protect the living conditions of surrounding residential properties and is therefore imposed.

A M Nilsson

INSPECTOR