The Planning Inspectorate

Appeal Decision

Site visit made on 23 July 2019

by S A Whitehead LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 07 August 2019

Appeal Ref: APP/D5120/D/19/3229643
5 Whitfield Road, Bexleyheath, Kent DA7 5LS

- 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 J Sanghera against the decision of the Council of the London Borough of Bexley.
- The application Ref 19/00642/FUL, dated 12 March 2019, was refused by notice dated 7 May 2019.
- The development proposed is for single storey and first floor rear extensions.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the proposed development from the application form although I note that it is expressed differently in other documents.

3. I have used the address provided on the application form although I note that it is expressed differently on the appeal form.

4. I have taken the appellant's name from the application form although I note that a Christian name has been provided on the appeal form.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupants of No. 7 Whitfield Road in terms of outlook.

Reasons

6. The appeal property comprises a semi-detached two storey dwelling with a two storey side and rear extension and single storey rear extension. It has a tapered rear garden. The proposal includes the construction of a single storey flat roof extension which, together with the existing single storey extension, would project out 6m from the original rear wall of the dwelling. It would extend the full width of the rear of the property and, due to the tapered rear garden, would be set in slightly from the shared boundary with No. 7 at one corner.

7. The attached property, No. 7, has rear facing ground floor and first floor windows and patio doors leading out onto its garden/patio area. It has a single storey side extension but has not been extended to the rear.

8. Given its proximity, height and projection I find that the single storey element of the proposal would adversely impact upon the outlook experienced from No.7. It would constitute an overbearing, oppressive and dominant feature, removing the sense of spaciousness and openness currently enjoyed.

9. Policies ENV39 and H9 of the Bexley Council Unitary Development Plan 2004 and Policy CS01 of the Bexley Core Strategy 2012 seek to ensure that all new developments do not prejudice the environment of the occupiers of the adjacent property, do not adversely affect their outlook and enhance the characteristics of residential gardens. I find that the single storey element of the proposal would conflict with these policies, constituting an unneighbourly form of development that would harm the living conditions of the occupants of No. 7 in terms of outlook.

10. The Council's Design and Development Control Guidelines 2004 (DDCG) advises that single storey rear extensions should not normally exceed 3.5m in depth in order to protect the amenities of adjoining properties. By reason of its excessive depth, the proposal would conflict with this guidance and would thereby adversely affect the outlook enjoyed from No. 7. Similarly, the proposal would fail to accord with the design and amenity aims set out in Chapter 12 of the National Planning Policy Framework 2019 (NPPF).

11. The proposal also includes a first floor rear extension adjacent to the existing first floor extension, which would provide an en-suite bathroom. The DDCG advises that two storey rear extensions should be set in 2m from the common boundary so that they do not adversely affect the privacy and amenity of adjoining properties including outlook. However, whilst the first floor extension would be closer to the shared boundary than the guidance indicates, having regard to its siting, together with its modest size and depth, I am not of the view that this extension would adversely affect the outlook of the occupants of No. 7. I also find that this element of the proposal would accord with the overall amenity and design aims of the policies stated above and that of Chapter 12 of the NPPF.

12. I note the appellant's reference to 'permitted development' rights. However, no claim is made that a similar extension could be constructed without the requirement of planning permission and no 'fallback' option is tabled for consideration.

13. I also appreciate that the extension would provide additional living space and that it would be constructed with matching materials. In addition, I note the possibility that the proposal could provide No. 7 with a small amount of additional garden space. However, none of these factors outweigh the harm I have identified.

Conclusion

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

Sandra Whitehead

INSPECTOR