



Appeal Decision

Site visit made on 5 November 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2019

Appeal Ref: APP/D5120/D/19/3229002

11 Birchwood Avenue, Sidcup, Kent DA14 4JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs M Alexander-Smale against the decision of the Council of the London Borough of Bexley.
 - The application Ref 19/00313/GPDE, dated 13 February 2019, was refused by notice dated 29 March 2019.
 - The development proposed is described as 'single storey rear extension with double low hipped roof to reduce impact'.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension with double low hipped roof at 11 Birchwood Avenue, Sidcup, Kent DA14 4JY in accordance with the application 19/00313/GPDE made on 13 February 2019 and the details submitted with it (Drawing 1 General Plan & Drawing 2 Site location and Site Plan) pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) subject to the condition in paragraph A.3(a) which requires that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) 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 on the same basis.
3. I have simplified the description of development above so that it more succinctly describes the appeal scheme.

Reasons

4. The appeal property is a large detached dwelling with a lengthy rear garden, characteristics which are shared by the adjoining dwellings. The boundary treatment on each side is formed of reasonably tall close boarded timber fencing.

5. The proposal would remove the existing small conservatory which is situated centrally on the rear elevation and would introduce a single storey rear extension across the width of the property, which would have a projection of 8 metres.
6. 13 Birchwood Avenue is set to the north east of the appeal property and incorporates windows to the rear elevation serving lounge and kitchen accommodation. Due to the orientation of the property, any loss of sunlight to its rear elevation or garden would be restricted to the late afternoon/early evening and would be very limited in extent due to the single storey design of the extension. Moreover, the more substantial form of the houses themselves would continue to have a far more significant impact in terms of sunlight at most times of day than the single storey appeal proposal. As a result, I have not identified any significant harm in this respect.
7. Given the position of the appeal proposal to the north east of 9 Birchwood Avenue there would be even more limited scope for it to cause any loss of sunlight and no significant harm is identified in this respect.
8. The appeal property is set in from the shared boundaries with both No. 9 and No.13 and both of the neighbouring properties are, in turn, set in from the shared boundaries. As a result, the appeal proposal would be offset from the dwellings on either side. Further, it would incorporate a shallow double hipped roof, which would serve to minimise its height, and limit its bulk.
9. While the appeal proposal would have a notable projection from the rear elevation, it would remain in proportion with the large dwellings and rear gardens on this part of Birchwood Avenue. Due to the design and positioning of the proposal, I do not consider that it would result in any harmful loss of daylight to the neighbouring properties or result in any significant loss of outlook from windows on their rear elevations which would retain good outlook over their respective lengthy gardens.
10. For this reason and those above, I am not persuaded that the appeal proposal would have an unacceptable impact on the amenity of the of the adjoining premises. I have taken account of the representations received.
11. I have reviewed the Saved Local Plan Policies¹ ENV39 and H9 and design guidance² supplied by the Council and insofar as they relate to the amenity of adjacent properties and I have found no conflict.

Condition

12. In line with Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.3(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval is deemed to be granted.

T J Burnham

INSPECTOR

¹ Bexley Council Unitary Development Plan (2004)

² Bexley Council Unitary Development Plan Design and Development Control Guidelines (2004)