



Appeal Decision

Site visit made on 28 July 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/D5120/D/19/3238434
156 Brampton Road, Bexleyheath DA7 4SY

- 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 Korsipati against the decision of the Council of the London Borough of Bexley.
 - The application Ref 19/01550/FUL, dated 25 June 2019, was refused by notice dated 30 September 2019.
 - The development proposed was initially described as a "single storey front extension, reduced height two storey side extension, part single part two storey rear extension."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the Council's decision notice identifies that the reason for refusal relates to the effect on the living conditions of the occupiers of 158 Brampton Road, it is apparent from the Council's Officer Report that the Council's concerns relate to the effect on the living conditions of the occupiers of 154 Brampton Road. The Council have subsequently confirmed that this is the case. The appellant's appeal submissions have addressed the effect of the development in this regard and the appellant was given further opportunity to comment following the receipt of clarification from the Council.

Main Issue

3. Following on from the above, the main issue is the effect of the development on the living conditions of the occupiers of 154 Brampton Road, with particular regard to the effect on outlook.

Reasons

4. The two storey part of the dwelling at the appeal site sits adjacent to the boundary that is shared with 158 Brampton Road and away from the opposite boundary that is shared with 154 Brampton Road. However, a single storey projection at the side of the dwelling extends up to the boundary that is shared with the building at 154 Brampton Road. The building at the neighbouring site features a commercial unit at ground floor, with a residential property above. The first floor flat features 3 windows at the side elevation facing the appeal site, with the forwardmost window appearing to serve the same room as a window at the front elevation of the building. The evidence before me does not clarify whether the abovementioned windows serve habitable accommodation but I have no basis to conclude that they do not. In this regard, the Council's assertion that they serve bedrooms has not been challenged by the appellant.

5. The proposed extensions to the existing dwelling include a first floor side extension that would abut the boundary of the site and have a side elevation that is slightly longer than that of the neighbouring building. The front part of the first floor side extension would feature a pitched roof with the remainder of the side extension featuring a mostly flat roof with pitched elements to the side and rear. Consequently, the side extension would be lower in height than the existing dwelling.
6. As a result of the reduction of the space between properties at first floor level, the extension would have a much more imposing effect on the outlook from the windows of the neighbouring property. Whilst the view from the adjacent windows would still be of built form and the appellant's submissions indicate that the eaves of the side extension would be below eye-level within the adjacent rooms and lower than the top part of the neighbouring windows, the roof of the extension would be in much closer proximity to those windows and cause an increased sense of enclosure within the rooms that they serve.
7. As it appears that the room served by the forwardmost window is also served by other windows, that room would still retain an outlook of a good standard. Conversely, as it has not been demonstrated that the other windows are secondary windows or serve non-habitable rooms, the evidence before me does not demonstrate that the imposing and overbearing effect on the outlook from those windows would not detract from the living conditions of the occupiers of the neighbouring building. I recognise that no objection was received from the occupier of the adjacent flat, but this does not alter my assessment in respect of the effect of the proposed development on future occupiers of that property.
8. For these reasons, the proposal would have an unacceptable effect on the living conditions of the occupiers of 154 Brampton Road, with particular regard to the effect on outlook. The development would, therefore, be contrary to Policy ENV39 of the Bexley Council Unitary Development Plan (Adopted 28 April 2004) (The BCUDP) which requires that extensions and alterations are of high quality design and do not prejudice the environment of the occupiers of adjacent properties. The proposal would also fail to accord with the Council's Design for Living Supplementary Planning Document (Adopted 21 January 2006) which states that care should be taken to ensure that the form of a development does not compromise the outlook provided within dwellings.
9. Although Policy H11 of the BCUDP has also been referred to by the Council in their Decision Notice, as this relates to the conversion of dwellings it appears to be of no relevance to the development that is the subject of this appeal. Likewise, the Mayor of London's Housing Supplementary Planning Guidance (March 2016) also appears to be of limited relevance in respect of this issue. This does not, however, alter my assessment in respect of the effect of the development and the other policy and guidance mentioned above.
10. It has been brought to my attention that extensions have been granted planning permission¹ at the appeal site. However, the evidence before me indicates that there are substantial differences between the proposals and, consequently, the existence of planning permission for an alternative development does not provide reason to reach a different decision in respect of this proposal.
11. Objections have been raised by a third party in respect of the effect of the extension on the living conditions within several properties that neighbour the appeal site. However, given the conclusion that I have reached in respect of the

¹ 19/00515/FUL

effect on 154 Brampton Road, it is not necessary for me to comment further in respect of the effect of the development on those other properties.

Other Matters

12. The appellant has identified frustrations with the manner in which the application was considered by the Council. However, this does not alter my assessment of the effect of the development or lead me to reach a different conclusion in respect of the main issue.
13. Furthermore, whilst I have had regard to the personal circumstances of one of the members of the appellant's family, the submissions do not demonstrate how the proposed development is required to meet those needs. Accordingly, the personal circumstances of the appellant's family do not lead me to conclude that the development should be found acceptable.
14. I have had regard to the conditions that the appellant has suggested could be imposed, but do not find that they would alter the effect of the development in relation to the main issue.

Conclusion

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

Ian Harrison

INSPECTOR