
Appeal Decision

Site visit made on 29 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/D5120/D/20/3251232

30 Middleton Avenue, Sidcup DA14 6JH

- 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 Mandip Maan against the decision of the London Borough of Bexley Council.
 - The application Ref 20/00124/FUL, dated 16 January 2020, was refused by notice dated 26 March 2020.
 - The development proposed is a part one/part two storey side and front extension incorporating the conversion of garage to habitable room and formation of pitched roof over existing two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this appeal are the effects of the proposed development on:
 - the character and appearance of the host dwelling and local area; and
 - the living conditions of neighbouring residential occupiers with reference to outlook and light.

Reasons

Character and appearance

3. The appeal dwelling is located in a predominantly residential area of dwellings of mixed style and design, with two storey semi-detached dwellings with hipped roofs like the appeal property, but also bungalows and maisonettes, all of modest scale. The proposal would extend the appeal dwelling with side and front extensions, the existing garage would be converted to form part of the main living area of the dwelling and a pitched roof added to the existing flat roofed rear extension.
4. The proposed ground floor front extension would be forward of the front elevation of the existing garage and would appear as a well considered continuation of the existing projected ground floor front and porch. The addition of the pitched roof over the existing rear extension would likewise appear to be well considered and a visual improvement on the existing flat roof.

5. The proposed first floor side extension would align with the existing first floor front elevation and would be set back by approximately 1 metre from the existing ground floor side elevation, which is on the boundary of the appeal dwelling with the neighbouring property. This consists of a two storey building, comprising a pair of maisonettes at 30A and 30B Middleton Avenue (Nos 30A and B). At roof level the proposed side extension would have a gable facing on to this side boundary, converting the existing hipped roof form and having a rooflight in the front roof slope. The scale of the proposed extension in relation to the appeal dwelling, its alignment with the front elevation and the massing of this additional bulk with a gable ended roof form, would result in the appeal dwelling appearing as unduly bulky.
6. For the above reasons I find that the first floor extension would not be subordinate to the appeal dwelling, but rather a dominating addition. In views from the street, the proposed extension would, therefore, appear as an incongruous addition to the existing dwelling and visually unbalanced in relation to its semi-detached pair. This dominating presence and unbalanced appearance would be discordant within the character and appearance of the local area.
7. The appellant has brought to my attention examples of houses in the local area with side or first floor extensions and hip to gable conversions, but with no additional details or indication of their age, which would have been considered on their own individual merits. I have, therefore, given only little weight to these in my considerations, as it is necessary for me to assess the appeal proposal on the basis of its own individual merits.
8. I find that the proposal would harm the character and appearance of the appeal dwelling and the surrounding area and would consequently conflict with policies CS01 and CS07 of the London Borough of Bexley Core Strategy, saved policies ENV39 and H9 of the Bexley Council Unitary Development Plan 2004 (the UDP) and the Design and Development Control Guidelines contained therein, and policies 7.4 and 7.6 of the London Plan 2016 which seek to ensure that developments, are of high quality, appropriate scale, subservient to the host building, relating sympathetically to the built surroundings and in keeping with local character.

Living conditions

9. The proposed side extension would be set back from the boundary with Nos 30A and B by approximately 1 Metre. When this is combined with the separating space between that dwelling and the boundary, the space between the proposed extension and the side elevation of the neighbouring maisonettes would be approximately 2 metres. This spacing, in combination with the gable ended roof form above the first floor extension, would result in the proposed extension being an overbearing presence in the outlook from the first floor side window to the upper floor maisonette. This would result in significant overshadowing and consequent loss of daylight to that window, which appears to be to the kitchen of that dwelling.
10. The appellant is of the view that the kitchen should not be considered as a habitable room, however, the appellant provides no detail as to why that should be the case and I find that the kitchen does represent an important part of the habitable space of the relatively small living area of the maisonette in question.

11. The appellant has drawn my attention to the approval in 2011 for a development with a similar front extension and first floor side extension that would extend to the same extent as the appeal proposal, but with an extension of the existing gable roof form, rather than a hip to gable conversion that is part of the appeal proposal. Further, the appellant has drawn my attention to an approval in 2019 for a Lawful Development Certificate for alterations to the roof line including hip to gable conversion. Although this confirms that the development would have been lawful under the relevant provisions of the Town and Country Planning (General Permitted Development) Order, it did not include the first floor extension or the roof space above that is part of the appeal proposal. In both cases the approved extensions were different in form but with significantly less bulk massed above ground floor level than the appeal proposal and, therefore, less overbearing and consequently having less of an impact on outlook and loss of daylight and sunlight than the appeal proposal.
12. As the approvals set out above vary in significant ways from the appeal proposal, for reasons I have identified, and were considered on their own merits, I have given only moderate weight to these in my considerations.
13. I find, therefore, that the proposal would result in an overbearing presence and degree of overshadowing and loss of daylight and sunlight that would be harmful to the living conditions of neighbouring residential occupiers, conflicting with saved policies ENV39 and H9 of the UDP and the Design and Development Control Guidelines contained therein which collectively seek to ensure that developments protect neighbour amenities.

Conclusion

14. 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 of good design, sympathetic to local character and provide a high standard of amenity for existing and future occupiers.
15. For the reasons given above the appeal is dismissed

Victor Callister

INSPECTOR