



Appeal Decision

Site visit made on 1 December 2020

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

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/D5120/D/20/3256330

26 Venners Close, Bexleyheath DA7 6SF

- 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 W Green against the decision of the London Borough of Bexley Council.
 - The application Ref 20/00930/FUL, dated 17 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is a two storey and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of neighbouring residential occupiers at 28 Venners Close (No 28), with reference to overshadowing and loss of outlook.

Reasons

3. The appeal property is a semi-detached house with front and rear gardens located in a close of similar residential, modestly scaled and semi-detached properties. The ground level element of the proposed part one and part two storey hipped roof extension would extend almost across the full width of the appeal dwelling and would project into the rear garden by 4 Metres. The first floor part of the proposed extension would also project rearwards by 4 Metres but would be set back by nearly 2.5 Metres from the boundary of the appeal dwelling with its semi-detached pair at No 28. In the rear garden of No 28 is a conservatory extension that adjoins the boundary with the appeal dwelling. A tall timber lap fence topped with trellis defines the boundary between these two properties.
4. Despite being set back from the boundary, the projection of the proposed first floor element of the extension from the rear of the host dwelling would, when combined with the extent of the proposed ground floor extension, result in the proposed extension as a whole being experienced as overbearing and visually intrusive when viewed from the rear of No 28.
5. The proximity and extent of the proposed extension would result in some overshadowing and loss of light, particularly to the rear rooms and conservatory of No 28 nearest to the boundary. This overshadowing and loss of light would be

in the early morning and would be greatest during the winter months. Although this would not be decisive on its own, it would add to the overall impact on the living conditions of the residential occupiers of No 28.

6. The proposal would therefore be visually intrusive, and cause loss of light and outlook to the residential occupiers at No 28, to the degree that it would result in unacceptable harm to their living conditions. As such it would be contrary to saved Policies ENV39 and H9 and the Design and Development Control Guideline 2 of Bexley Council Unitary Development Plan (2004), Policy CS02 of the London Borough of Bexley Core Strategy (2012), Policy 7.6 of the London Plan (2016) and Paragraph 124 of the National Planning Policy Framework, which concern the protection of living conditions as far as they seek to ensure that development is of good design that respects the amenity of occupiers of neighbouring buildings.

Other Matters

7. The appellant has made reference to an application under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, to determine if prior approval is required for a single storey rear extension projecting 4 Metres from the rear of the appeal property. However, my findings in this appeal must be based only on the individual planning merits of the development before me and I have, therefore, given only little weight to this in my considerations.

Conclusion

8. Although the policies of the UDP are now of some age, they do accord with the National Planning Policy 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, and provide a high standard of amenity for existing and future occupiers.
9. For the reasons given above the appeal is dismissed.

Victor Callister

INSPECTOR