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## Appeal Decision

Site visit made on 8 December 2020 by Emma Worby BSc (Hons) MSc

**Decision by Anne Jordan BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 January 2021**

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**Appeal Ref: APP/D5120/D/20/3259639**

**128 Hurst Road, Sidcup DA15 9AF**

- 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 and Mrs Marjeram against the decision of the Council of the London Borough of Bexley.
  - The application Ref 20/01440/FUL, dated 24 June 2020, was refused by notice dated 12 August 2020.
  - The development proposed is a rear corner infill to existing ground floor extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a rear corner infill to existing ground floor extensions at 128 Hurst Road, Sidcup DA15 9AF in accordance with the terms of the application, Ref 20/01440/FUL, dated 24 June 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HR/PL/03, HR/PL/04 and HR/PL/11.
  - 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of the adjoining property with regard to outlook and sunlight and daylight.

### Reasons for the Recommendation

4. The appeal property is a two-storey semi-detached dwelling located within a residential environment. The dwelling currently has a single storey rear extension with the corner replaced with a slanted side so that the depth of the extension is reduced along the shared boundary with 130 Hurst Road. The proposal would infill this corner to square off the existing single storey rear extension.

5. The Design and Development Control Guidelines (2004) state that for semi-detached houses, single storey extensions at the rear and on the boundary with the adjoining half of the property should not normally exceed 3.5 metres in depth. The proposal would result in an extension which has a total depth of 5.2 metres and therefore would not comply with this guidance.
6. The adjoining property, No.130, currently has no rear extensions and therefore the enlarged addition to the appeal property would extend 5.2 metres beyond the rear elevation of this dwelling. However, the proposed development would only extend 2.5 metres further along the shared boundary with No.130 than the current rear extension and would remain single storey in nature with a flat roof at a height of 3 metres. Due to this modest height and the minimal increase in floorspace over that already in place, it would not significantly alter the amount of daylight received to the rear facing windows or rear garden at No.130 when compared to the existing extension and would not have a greater impact on the neighbouring occupiers outlook than at present.
7. Therefore, although contrary to guidance, I consider that in this instance the proposed development would not have a harmful impact on the living conditions of the occupiers of the adjoining property. Therefore it would not be in conflict with policies ENV39 and H9 of the Unitary Development Plan (2004) which ensure new development does not prejudice the environment of the occupiers of adjacent property including daylight, sunlight and outlook, Policy CS06 of the Bexley Core Strategy (2012) or Paragraph 124 of the National Planning Policy Framework (2019) insofar as they are relevant to this appeal.

### **Conditions**

8. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development. The Council have requested a condition preventing the roof of the extension from being used as a balcony. However, this has not been included as the plans indicate that the flat roof will be largely occupied by three rooflights leaving little room for amenity space and thereby making such a condition unnecessary.

### **Conclusions and Recommendation**

9. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is allowed.

*Emma Worby*

APPEALS PLANNING OFFICER

### **Inspector's Decision**

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Anne Jordan*

INSPECTOR