

Appeal Decision

Site visit made on 16 February 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2021.

Appeal Ref: APP/D5120/D/20/3259922

128 Upton Road, Bexleyheath DA6 8LX

- 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 Gee against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/01598/FUL, dated 8 July 2020, was refused by notice dated 3 September 2020.
 - The development proposed is described as 'single storey rear extension, first floor rear extension with main roof extended over, general alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extensions on the character and appearance of the host dwelling and surrounding area; and the effect of the ground floor rear extension on the living conditions of the occupiers of No 126 Upton Road, with regard to outlook and natural light.

Reasons

Character and Appearance

3. No 128 is a two storey detached dwelling in a residential road of mixed property types. As the extensions would be at the rear and due to the layout of the appeal property and its neighbours, there would be no discernible effects on the street scene.
 4. The first floor element would extend across an existing ground floor single storey projection. The extent of this additional development would not be significant in terms of the size of the existing building and would not result in a disproportionate change to its depth or roof profile. While the extension would not be subservient to the original dwelling, it would respect its design and appearance. Moreover, the increase in its overall size would not result in the appeal property appearing incongruous or uncharacteristic in an area where there is considerable variety in the size and design of individual dwellings.
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5. The single storey extension would be of the same overall depth as the existing conservatory and, similarly, would not represent a disproportionate addition that would harmfully change the existing built form. As such, both extensions are of typical domestic scale and form and would not be incongruous or otherwise harmful to the host dwelling's character and appearance.
6. I have had regard to the *Design and Development Control Guidelines*, referred to by the Council, which support the implementation of development plan policies. While the proposed ground floor extension would be of greater depth than the 3.5 metres maximum depth referred to in the guidelines, this appears to relate to semi-detached and terraced houses¹. With regard to detached houses, as in this case, the guidelines state that '*specific guidelines are not applicable but any proposal should conform with the principles outlined in this guidance*'². As such, I find no conflict with the guidelines.
7. The dwellings in this part of Upton Road have a stepped building line, which is particularly apparent in views to the rear. No 130 is positioned considerably further back on its plot than the appeal property, while the first floor of No 128 is level with the closest part of No 126. Consequently, the additional depth resulting from the proposed extensions would project beyond No 126, but not No 130. Therefore, the stepped building line would be preserved and there would be no harm to the character and appearance of the surrounding area from views to the rear of the dwellings.
8. Accordingly, for these reasons, I conclude that the proposed extensions would not have a harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, there is no conflict with the following development plan policies: CS01 of the London Borough of Bexley Core Strategy 2012, which concerns sustainable development, including the requirement to maintain and improve suburban character; H9 of the London Borough of Bexley Unitary Development Plan 2004 (the UDP), which requires residential extensions to be compatible with the character of the existing and adjacent buildings, and to not result in overdevelopment in terms of scale and mass; or with ENV39 of the UDP, which requires a high standard of design in new development, including extensions. These policies are consistent with the National Planning Policy Framework.

Living Conditions

9. No 126 has a ground floor window close to the boundary with the appeal property. The existing single storey projection and part of the conservatory extend parallel to the boundary beyond this window, although the end part of the conservatory is set away from the boundary. The proposed extension would result in a solid wall of greater height extending along this boundary to the full depth of the existing conservatory, adding some 1.5 metres of built form directly next to the boundary.
10. Consequently, the extent, solidity and height of the extension adjacent to No 126 would appear as a dominant and overbearing feature seen from the nearest window and garden close to the house. Moreover, the orientation of

¹ Paragraph 2.3.2.

² Paragraph 2.3.6(1).

the neighbouring properties, with No 126 positioned to the north of No 128, is likely to result in some overshadowing of the rear of No 126 and its garden.

11. Therefore, I conclude for these reasons that the ground floor extension would have an unacceptably harmful effect on the living conditions of the occupiers of No 126 Upton Road, with regard to outlook and natural light. As such, it is contrary in this regard to Policies H9 and ENV39 of the UDP insofar as they require development to not adversely affect the amenity of neighbouring occupiers.

Conclusion

12. I have found in the appellant's favour with regard to the first main issue, concerning the effect on character and appearance. However, this is not sufficient to outweigh the material harm that has been found with regard to the effect on neighbouring living conditions and the resultant conflict with the development plan. There are no other material considerations that outweigh the conflict with the development plan and, therefore, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR