

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/20/3262265
14 Buckingham Avenue, Welling DA16 2LX

- 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 Aylott against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/01227/FUL, dated 29 May 2020, was refused by notice dated 6 August 2020.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of No 12 Buckingham Avenue, with regard to outlook.

Reasons

3. The appeal property is a two storey chalet style semi-detached dwelling in a residential road of similar property types and bungalows.
4. There is currently a single storey extension next to the boundary with No 12, the adjoining dwelling, which is some two metres deep. The proposal involves extending this to around double its depth across No 14's full width. I note the appellant's contention that the Council's measurement slightly overstates the depth and I accept on the available information that the depth of the extension together with the existing single storey projection would be in the order of four metres.
5. Reference is made to an extant permission for alterations to No 12, which include a single storey extension directly next to the boundary with No 14¹. This would be 4.5 metres deep and so, if implemented, would be some half a metre deeper than the appeal proposal. While I acknowledge this permission, it is not yet implemented and there is no certainty that it will be. Therefore, in terms of assessing the effects of the appeal proposal, I must have regard to the physical circumstances pertaining at the time of the inspection.

¹ Ref 18/02224/FUL dated 2 October 2018.

6. I have had regard to the *Design and Development Control Guidelines*, referred to by the Council. The proposed extension would be around half a metre deeper than the recommended 3.5 metres maximum depth for this form of rear extension to semi-detached houses referred to in the guidelines². However, this is guidance that should be applied judiciously in the particular circumstances of the proposed development, rather than a hard and fast standard. I note in this regard that the guidance says that extensions should not 'normally' exceed the indicative depth and, therefore, it includes some flexibility. I accept also the appellant's contention that such flexibility appears to have been applied with regard to the other examples of permitted extensions referred to, including at No 12.
7. The closest ground floor opening to the shared boundary at No 12 shown on the plans for the approved extension are French windows. The existing single storey projection extends parallel to the boundary beyond this opening. The proposed extension would result in a doubling of the depth of the wall next to the boundary. I accept that the partially pitched roof might reduce some of its effects, but the plans show a largely flat-roofed projection of greater height than the current single storey extension. Consequently, the extent, solidity and height of the extension adjacent to No 12 would appear as a dominant and overbearing feature seen from the nearest windows and garden close to the house. Moreover, No 12 currently has a single storey projection the other side of the French windows. As such, the proposed extension combined with this existing feature would result in a greater sense of enclosure for occupiers of the nearest room and from the garden close to the windows.
8. The appellant contends that there are a number of similar proposals for extensions that have been permitted recently against the same policy context as the appeal proposal. While I note these, I am unaware of all the details of their relationship with neighbouring dwellings, including the proximity and nature of any windows that might be affected and the overall layout of the rear of the neighbouring dwellings. With regard to the permitted extension at No 12, the layout to the rear of No 14 is not directly comparable to that at No 12 as described above, particularly as there is no single storey element the other side of the French windows at No 14. Therefore, the proposal has been considered on its merits with regard to the particular effects it would have on neighbouring occupiers. Consequently, for these reasons, none of these other examples can be considered as direct precedents for the current proposal.
9. I acknowledge that there were no objections to the proposal. However, given the permanent nature of the change proposed, the effects need to be considered in the long term, with regard to both current and future occupiers of the neighbouring property.
10. Accordingly, for the above reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the living conditions of the occupiers of No 12 Buckingham Avenue, with regard to outlook. As such, it is contrary to Policies H9 and ENV39 of the London Borough of Bexley Unitary Development Plan 2004 insofar as they require development to not adversely affect the amenity of neighbouring occupiers. These policies are consistent with the National Planning Policy Framework (the Framework).

² Paragraph 2.3.2(1).

11. The appellant contends in support of the appeal that the proposal should be considered in the context of the presumption in favour of sustainable development included in the Framework. While I have had regard to this contention, in accordance with paragraph 11 of the Framework the presumption applies where development accords with the development plan or where there are no relevant policies or relevant policies are out-of-date, none of which applies in this case for the reasons given above. Accordingly, I give this matter limited weight and it does not alter my overall conclusion.

Conclusion

12. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR