



Appeal Decision

Site visit made on 17 May 2021

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/D5120/D/20/3260401
6 Montgomery Close, Sidcup DA15 8RA

- 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 Daniel Thangapandian against the decision of London Borough of Bexley Council.
 - The application Ref 20/01415/FUL, dated 22 June 2020, was refused by notice dated 28 August 2020.
 - The proposed development is for the erection of a single storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The new London Plan was formally adopted on the 2 March 2021, after the appeal was submitted. In these circumstances, although there are no directly comparable policies to those used in the original decision, I am required to determine the appeal against the current development plan for the area at the time of my decision.
3. I saw on my site visit new houses to the rear of the property and I believe these are the same houses referred to in the Appellant's statement as being new infill buildings into the environment here. I have no information before me however, as to the reasons or background to this development and so I cannot be certain that the circumstances are the same as the case before me. As such I have dealt with this case based on the information submitted.

Main Issues

4. The main issues are:
 - i) The impact of the proposals upon the living conditions of neighbours.
 - ii) The impact of the proposals upon the character and appearance of the built environment.

Reasons

5. The appeal property is a semi detached suburban dormer bungalow that stands at the head of the cul de sac that is Montgomery Close. The property occupies a corner position within the street and as such its plot area is more or less

triangular in shape. This results in the garden area being somewhat constrained but it nevertheless still forms an essential characteristic of the suburban nature of the area.

6. The property is rendered for the most part and contains a detached garage to the front and a flat roof dormer to the side roof slope. The property has been previously extended so as to include a living room extension to the rear and a single storey extension that contains a flat mansard type roof extending to the side of the property. These developments have left a modest triangular garden to the rear with some other areas of space left over to the side.
7. To the side boundary, separating the appeal site from Bushy Lees on Fen Grove, there is a small pedestrian footpath giving access to the rear of neighbouring houses that is bounded on both sides by a high timber fence.
8. The proposal before me seeks permission for a further side extension that will effectively infill the left over space to the side created by the previous extensions whilst being designed in such a way as to allow pedestrian passage from front to rear within the plot. As a result the proposed extension is irregular in footprint and varies in its proximity to the side boundary of the property.

The impact of the proposals upon the living conditions of neighbours.

9. The proposal will introduce a further extension to the side of the existing bungalow. In a similar manner to the living room extension to the rear, the proposal will utilise a flat roof with an overall eaves height of around 3 metres.
10. The extension will extend closer to the side boundary with Bushy Lees but will, due to the need to maintain access to the rear, be set back at various intervals. The result therefore will be an extension that is not flush against this boundary, but instead is irregular in its relationship to the side boundary fence. The proposed extension will also contain two linear casement windows and one high level window to this side elevation.
11. Bushy Lees contains residential units that have their rear gardens facing onto the side of the appeal site. These rear gardens are around 7m in length and bounded by a tall timber fence of around 1.8 to 2 metres in height. On my site visit I saw the footpath running along this boundary that further separates the appeal site from those houses at Bushy Lees.
12. In considering the impact of the proposed extension I am satisfied that there is enough distance maintained between the appeal site and the neighbouring properties so as to minimise the impact of development here. Moreover, I consider that the 3 metre height of the proposed extension will not cause undue over dominance to the residents of Bushy Lees, primarily due to the irregular footprint of the extension and the extra separation offered by the rear footpath. As such the height, footprint and massing of the proposed extension will be acceptable in this regard.
13. Further to this, I consider that, due to the height of the existing fences and the design of the proposed windows, there will be little opportunity for overlooking and no direct overlooking that would cause me concern with regards the impact of these windows upon the privacy of neighbours.

The impact of the proposals upon the character and appearance of the built environment.

14. The proposal would see another extension to this property that would further increase the overall footprint of the original bungalow. Due also to the triangular nature of the site, these extensions would appear to take up much of the useable space available on the site. In considering the acceptability of this appeal therefore I concur with the Council that a substantial increase in the footprint of the bungalow, as originally constructed, will occur.
15. In assessing this issue therefore I consider that the proposed extension would result in an over development of this plot. This is due primarily to the amount of previous extensions and, when added to this proposal, I consider that this would result in an unacceptably large increase to the original footprint of the bungalow. As a result the relationship between the exiting bungalow and its setting will be harmed through the amount of extra accommodation being proposed and the overriding suburban character of individual properties within their own plots will be eroded.
16. In light of this I consider that the character and appearance of the area will be harmed through a cumulative overdevelopment of this site.
17. I consider that the proposal before me would therefore fail to meet the requirements contained within Policies H9 and ENV39 of the London Borough of Bexley Unitary Development Plan (UDP) (saved policies 2004) and Core Strategy Policies CS01 and CS06 that seek to ensure new developments are of a high quality of design. It would also be contrary to Policies D1, D3 and D4 of the new London Plan (2021) that the above policies are reflective of.

Conclusion

18. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR