



Appeal Decision

Site visit made on 22 March 2021
by C Rafferty LLB (Hons), Solicitor

Decision by Martin Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/D5120/D/21/3267399

16 Danson Mead, Welling DA16 1RU

- 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 Hibbs against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/02542/FUL, dated 7 October 2020, was refused by notice dated 2 December 2020.
 - The development proposed is a single storey ground floor front and rear extension and part first floor rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey ground floor front and rear extension and part first floor rear extension at 16 Danson Mead, Welling DA16 1RU, in accordance with the terms of the application 20/02542/FUL dated 7 October 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. D01 Existing Ground Floor Plan dated 21 August 2020; Drawing No. D02 Existing First Floor Plan dated 21 August 2020; Drawing No. D03 Proposed Ground Floor Plan dated 21 August 2020; Drawing No. D04 Proposed First Floor Plan dated 21 August 2020; Drawing No. D05 Existing Roof Plan dated 21 August 2020; Drawing No. D06 Proposed Roof Plan dated 21 August 2020; Drawing No. D07 Existing Elevations dated 21 August 2020; Drawing No. D08 Proposed Elevations dated 21 August 2020; Drawing No. D09 Proposed Section AA dated 21 August 2020; Drawing No. D10 Block Plan dated 21 August 2020; and Drawing No. D11 Site Location Plan dated 21 August 2020;

Preliminary Matter

2. The Council's decision notice refers to Policy 7.6 of the London Plan (2016). This policy and document have now been superseded by the London Plan (2021). The proposal has been examined in accordance with the up-to-date development plan and the main parties were given the opportunity to comment on the updated position. Where comments were received these have been considered.

Appeal Procedure

3. 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

4. The main issue is the effect of the development on the living conditions of neighbouring residents at 15 Danson Mead, with particular regard to light and outlook.

Reasons for the Recommendation

5. The appeal site comprises a semi-detached dwelling with single storey rear projection on the southern side of Danson Mead, with long rear gardens backing onto a public park. It is set back and detached from the property at No. 15 to the east such that it extends further at the rear than this dwelling.
6. The proposal would increase both the height and depth of built form running close to the eastern boundary of the site. It would be visible from the rear windows and garden of No. 15 when looking towards the appeal property.
7. However, due to the stepped nature of the properties the outlook in this direction is already somewhat diminished. Such views look to the existing rear extension with hipped roof which rises above the boundary fence, with the two storey side elevation of the appeal property also visible from the rear windows and area of garden immediately behind the property at No. 15.
8. While the first floor rear extension would increase the depth of two storey built form close to No. 15, it would be set back from the boundary, ensuring that it is not overbearing. It would represent a modest increase in depth relative to the long back gardens present such that it would not appear as an overly dominant addition from the rear amenity space of No. 15. Furthermore, the main outlook from the rear windows of No. 15 looking towards the garden and public park would remain unchanged.
9. For similar reasons, the proposal would not lead to a significant loss of light at No. 15. The stepped nature means that the appeal property is already likely to result in some shadow to the rear of No. 15 during the second half of the day, particularly to the windows which sit behind the current built form. While the extension may cast some additional shadow during this time it would not substantially affect the neighbours' enjoyment of their rear habitable rooms and the south facing gardens would remain sufficiently open to ensure adequate available light.
10. Other elements of the proposal would not have a significant adverse effect on the light and outlook of residents at No. 15. The increase in depth to the single storey extension present would be minimal such that it would not significantly alter the current situation. Furthermore, the Council has not raised any issue with the impact of the proposed front extension element on these living conditions and, from my observations on site, I have no reason to disagree.
11. For the reasons given above I find that the development would not have a significant adverse effect on the living conditions of neighbouring residents at 15 Danson Mead with particular regard to outlook and light. As such, it would

accord with Policies H9 and ENV39 of the Bexley Council Unitary Development Plan, adopted 28 April 2004; Policy 23 of the London Plan, adopted 2021 and paragraph 124 of the National Planning Policy Framework, which together seek to ensure adequate living conditions for neighbouring residents.

Other Matters

12. The residents of No. 15 have stated the proposal would lead to a loss of privacy due to the three windows along the eastern elevation. However, all of these windows would be obscured glass and two would be on the ground floor, looking primarily onto the solid brick western elevation of No. 15. There would therefore be no significant adverse effect on the privacy of the residents of No. 15.
13. Representations have been made to the effect that the rights of the residents of No. 15 to the peaceful enjoyment of their possessions, under the Human Rights Act 1998, Article 1 of the First Protocol, would be violated if the appeal were to be allowed. However, because I have found that the proposed development would not cause unacceptable harm to the living conditions of the residents of No. 15, I do not consider this argument to be well founded. Thus the degree of interference that would be caused would be insufficient to give rise to a violation of rights under the First Protocol.
14. Reference has been made to other applications relating to the appeal property, but limited information has been provided. I must assess the proposal as a standalone scheme based on the information before me. Reference to other applications that may have been made to the Council carries limited weight.
15. Other extensions within the area have been highlighted, including how these differ from the proposal, but with limited information provided. However, the appeal is to be decided on its own site-specific circumstances and reference to other development nearby does not outweigh the harm identified above.
16. It has been noted that there are certain inaccuracies in the plans provided. However, these errors have not been material in assessing the proposal, particularly following the site visit the correct property boundaries and elevations were noted.

Conditions

17. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. A condition dictating the materials of the proposal is superfluous as these are noted on the approved plans.

Conclusion and Recommendation

18. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal is allowed subject to the conditions at paragraph 1 of this report.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, the appeal is allowed subject to the conditions at paragraph 1.

Martin Seaton

INSPECTOR