



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/20/3264359

1 Foots Cray Lane, Sidcup DA14 4NP

- 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 Mrs Jane Su against the decision of London Borough of Bexley Council.
 - The application Ref 20/02005/FUL, dated 17 August 2020, was refused by notice dated 19 November 2020.
 - The development was for erection of single storey rear extension .
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey side extension at 1 Foots Cray Lane Sidcup in accordance with the terms of the application Ref 20/02005/FUL, dated 17 August 2020, subject to the following conditions:
 - i) The development hereby permitted shall be carried out in accordance with the following approved plans; LIVARCH/1 FCL/101 Issue B (24 September), LIVARCH/1 FCL/105 Issue A (17 August) and LIVARCH/1 FCL/103 Issue A (17 August).
 - ii) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - iii) The development hereby permitted shall begin not later than three years from the date of this decision.

Procedural Matter

2. The description of development in the heading above has been taken from the Council's decision notice. In Part E of the appeal form it is stated that the description of development is the same as this description and neither of the main parties has provided written confirmation that this description is erroneous. Accordingly, I have used the one given on the Council's decision notice and the Appellant's appeal form.
3. The appellant has indicated to me that they maintain a fall back position with regards the principle of a rear extension along a similar footprint and extent to

that proposed.¹ I accept that this development would constitute Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, in assessing this appeal I have based my assessment upon the plans before me and assessed them on their own individual merits with regards the main issues as outlined below.

Main Issues

4. The main issue are:

- i) The impact of the proposed extension upon the living conditions of neighbours.
- ii) The impact of the proposed extension on character and appearance of the area.

Reasons

- 5. The appeal property is an end of terrace house within a largely suburban residential area. The property, like its neighbours, has the appearance of a typical mid 20th century suburban house except instead of being semi detached, the six houses that form this row are all adjoined to one another. To the front the houses contain typical details of the era in the form of bow windows, gabled frontages and render finish.
- 6. To the rear of the appeal property there is an existing ground floor extension and a garden area fenced off and gated from the rear lane that gives access to several houses fronting both Footscray Lane and other neighbouring roads. This existing rear extension extends for around 3.5m along the shared boundary with number 3 Footscray Lane that is sited immediately to the south of the appeal site itself.

The impact of the proposed extension upon the living conditions of neighbours.

- 7. The site of the proposed extension would be to the north of the immediate neighbour at number 3 Footscray Lane. This property, being a mid terrace house, has a slightly narrower garden to that of the appeal site but the garden is longer. At some time in the past this neighbour has also constructed a modest conservatory type extension that extends along the rear of the property.
- 8. The proposal would effectively extend the existing rear extension at the appeal site along the northern boundary of number 3. In doing so, the proposal would result in an enlargement of the existing boundary treatment from a modest timber fence to a 3m high solid wall. This has the potential to affect the living conditions of neighbours. However, in compensation for this increase the existing lean to roof of the extension would be removed thereby reducing the overall solidity and height on this boundary.
- 9. Taking into account the extra length of the plot next door and its orientation to the south of the appeal site, I do not consider that there will be any loss of sunlight or any meaningful detriment caused to the living conditions of the adjoining occupants in using their rear conservatory or rear habitable rooms

¹ Prior Approval reference 20/00361/GPDE dated 31 March 2020.

because of the proposed extension. I therefore conclude that the proposed extension would not cause unacceptable harm to the living conditions of neighbours and that the policy requirements ENV39 and H9 of the Unitary Development Plan have been met in this regard.

Impact upon the character and appearance of the area.

10. I consider that the main impact of the proposed extension in extending the full width of the existing property will be to the character and appearance of the rear lane. Currently this lane is bounded onto by garden walls, hedges, fences, garages or other such ancillary buildings or features.
11. In assessing the impact of this proposal upon the character and appearance of the area therefore I paid particular attention to the experience of using this rear lane. I saw on my site visit that the initial approach into the lane is enclosed by both the boundary treatment and the previous extension to the appeal property and by a single storey garage opposite. I do not consider this sense of enclosure as being harmful, rather it demarks the change in character from a frontage street to a more informal back lane.
12. Although the proposed extension would increase the built form along this approach, I do not consider that the character and appearance of the area would be harmed through replacing the existing wall and fence with a solid extension of the kind proposed.
13. Similarly, I consider that the overriding character of the appeal property and other similar houses along Footscray Lane are determined by their architectural characteristics to the frontage where the gables and bow windows give considerable character. Although appearing as a different architectural character to that of the appeal property, I consider that the proposed extension would contribute in a positive manner to the property as a whole and would not detract from the character of number 1 Footscray Lane to any significant degree.
14. Therefore I consider the requirements within Policies HE9 and ENV 39 of the London Borough of Bexley Unitary Development Plan (UDP), and the guidance within The Design and Development Control Guidance both of which seek to ensure that new developments are of a high quality standard of design have been met.

Conclusion

15. For the reasons above, taking into account all other matters raised, I allow the appeal subject to the conditions set out above.

A Graham

INSPECTOR