



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/20/3263381
40 Royal Oak Road, Bexleyheath DA6 7HG

- 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 Tony Huckle against the decision of London Borough of Bexley Council.
 - The application Ref 20/02088/FUL, dated 25 August 2020, was refused by notice dated 21 October 2020.
 - The development was for a single storey extension to rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has indicated to me that they have commenced work on an infill side extension under Permitted Development Rights¹. I saw on my site visit that such work had been started and was nearing completion. In assessing this appeal therefore 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 and it is not under my remit to comment on whether or not the extant extension would constitute Permitted Development under the relevant legislation.

Main Issues

3. The main issue is the impact of the proposals upon the living conditions of neighbours.

Reasons

4. The appeal property is a through terrace house with a small alley way separating it from its neighbour, number 42 Royal Oak Road. To the rear, the property has a two storey outshot extension that I consider would have been original to the house and is a typical feature of the area. This outshot leaves a small yard area to the rear that gives access to the kitchen and allows some light to reach a window serving the dining room of the property.

¹ Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

5. The neighbouring house, number 42 Royal Oak Road, is separated by a small passageway between the houses and has previously extended to the rear with a single storey flat roof extension. This extension extends into the rear garden but leaves the small yard adjacent to the original outshot open where there are also windows facing onto what is now a small, nearly fully enclosed courtyard.
6. The other adjoining neighbour (number 38) has French doors facing onto the rear garden from their half of the outshot extension and there is a 2 metre screen fence demarking the common boundary.
7. The appeal proposal is primarily concerned with the erection of a single storey rear extension that will protrude by around 3m along the common boundary with number 38. The area of extension already being constructed would infill the existing rear yard between the kitchen of the appeal property and the other neighbour at number 42.
8. I consider that the proposed extensions would appear as architecturally contextual modifications that I consider would not overwhelm or cause harm to the character and appearance of the existing property.
9. However, the protrusion of the proposed rear extension would be located directly to the south of number 38 and, as a result, I consider that the room served by the French doors at number 38 would suffer significant over-shadowing and over dominance directly as a result of the proposed rear extension and the existing orientation of the houses.
10. Although I saw on my site visit that the side boundary fence would already contribute to a certain amount of over shadowing here, I consider that the increase in height and scale along this boundary caused by the extension would, due to its orientation, siting and proximity to the boundary, have a detrimental impact upon the living conditions of this neighbour.
11. Although the appellants have seemingly attempted to reduce this impact through the use of a pitched roof of a limited overall height, I consider that this is not enough to overcome the physical constraints and existing orientation.
12. The proposed side infill element of the extension would introduce built form that would have the effect of further enclosing the rear courtyard of number 42. However, I find that the rooms facing the courtyard at the neighbours would have been affected already by the extant rear extension at this property. Therefore, notwithstanding whether this element of the proposed extensions falls under the remit of Permitted Development Rights or not, I consider that the harm upon the living conditions of residents here would be minimal and would not unacceptably affect the amenity of residents of number 42.
13. Although I consider that there may be ways to extend this property to the rear in such a way that would avoid or minimise the harm to the living conditions of number 38, I consider that the scheme before me would fail to meet the requirements contained within Policies HE9 or ENV39 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 protect the living conditions of neighbours.

Conclusion

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

A Graham

INSPECTOR