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# Appeal Decision

Site visit made on 31 August 2021

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 September 2021**

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**Appeal Ref: APP/D5120/D/21/3271350**

**9, Victoria Road, Erith, DA8 3AW**

- 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 Rajinder Bisla against the decision of the London Borough of Bexley Council.
  - The application Ref 21/00087/FUL dated 11 January 2021, was refused by notice dated 8 March 2021.
  - The development proposed is part one/two storey rear extension with alterations to the roofline incorporating 4 rooflight windows on the side elevation to provide rooms in the roof space.
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## Decision

1. The appeal is allowed and planning permission is granted for part one/two storey rear extension with alterations to the roofline incorporating 4 rooflight windows on the side elevation to provide rooms in the roof space at 9, Victoria Road, Erith, DA8 3AW in accordance with the terms of the application ref: 21/00087/FUL, dated 11 January 2021, subject to the following conditions:
  - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
  - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: drawing VR09 – A 001 Rev A, drawing VR09 – A 002 Rev A and VR09 – A 004 Rev A;
  - 3) Unless otherwise agreed in writing the Local Planning Authority the materials used for the external surfaces of the development hereby permitted shall match those of the existing building and shall be maintained as such for the lifetime of the development.

## Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of the application, and the submission of this appeal, a revised National Planning Policy Framework 2021 (the Framework) was adopted on 20 July 2021. The refusal reason references paragraph 124 of the 2019 (previous) Framework. Despite this, the wording of paragraph 126 of the Framework is exactly the same therefore it is not considered that this change impacts upon the determination of this appeal.
4. The appeal proposal has several elements to it as outlined within the header at the start of this decision. The Council's refusal reason relates solely to the roof

alterations coupled with the existing side extension. The Council have assessed the other elements as acceptable. I have no reason before me to conclude differently on the other elements so, in that regard, this appeal will focus upon the roof alterations only.

### **Main Issue**

5. The main issue is the impact of the roof alterations upon the character and appearance of the host property and the street scene.

### **Reasons**

6. The appeal site is a detached dwelling within a residential area. The host dwelling has already been extended to the side with a two-storey flat roof extension. The proposal seeks to extend the dwelling by altering the roof form on the northern side of the house (left hand side when viewing from the front elevation) in the form of a pitched roof over the existing flat roof (continuing the ridge line).
7. At the time of my visit I parked in Avenue Road and walked around to, and up, Victoria Road. I noted that the property types, and therefore, the character and appearance of the area is not uniform due to the variety of property types and styles and general variety of materials around the appeal site. There were also varying roof forms including the additions of dormers, flat roofs, and cat slide style roofs as well as some interesting roof alterations a short distance down the road at 21 Victoria Road. I do not find, therefore, that this section of Victoria Road has a defined character and it is certainly very varied in its appearance. For this reason I do not find that simply because of increased massing the roof alterations proposed at the appeal site would be incompatible with the character of the existing building nor do I find that it would be detrimental to, or prominent within, the street scene.
8. I note that the existing extension appears subservient due to the existing roof form but I find that the flat roof extension currently, at best, makes a mediocre and weak contribution to both the host dwelling and street scene. I find it presents as an awkward, blockwork like, addition to the side of the dwelling sitting just under the eaves of the host property with no real thought pattern to its design. The cumulative impact of the roof alterations and the existing side extension could be assessed as not being subservient in terms of general scale and massing, however, in this case I find the proposal represents a better, logical, design which would vastly improve the property visually. I find that the proposal would improve the visual aesthetics, character and appearance of the property and its general relationship with adjoining properties and the immediate street scene.
9. The Design and Development Control Guideline 2 (2004) (DDCG) states that *in general* (my emphasis) extensions should be subordinate to the existing building. I do not find that non-compliance with this guidance automatically warrants refusal, it is the impact of non-compliance with that general guidance (designed to cover a multitude of scenarios) that should be fully assessed. I find it falls to understand what the objectives of that guidance are with each case falling to be assessed on its own merits.
10. I note the guidance, for side extensions, in paragraph 2.3.3 of the DDCG. Despite this it should be noted that the existing extension does not have a set-

back from the front elevation. This cannot viably be changed; it is the starting point for the proposal. The only real conflict with this guidance, so to speak, in terms of side extensions is the roof proposal not lowering the ridge, however, 2.2.8 of the DDCG states that with regard to roofs the height of any extension should not exceed the ridge height of the existing building. The proposal is consistent with this. Overall, considering the general objectives of the guidelines with regard to design and impact I find that the proposal is acceptable.

11. The proposal would be consistent with London Borough of Bexley Unitary Development Plan 2004 (UDP) Policy ENV39 which seeks to ensure that proposals are compatible with the character of the surrounding area and UDP Policy H9 which requires the design and external appearance of development to be compatible with the character of the existing building and adjacent buildings. The proposal would also be consistent with paragraph 126 of the Framework which seeks to secure good design that creates better places to live.

### **Other Matters**

12. I note that there are a number of objections to the proposal. Comments in respect of potential use as a block of flats or similar, such as a large house of multiple occupation, are noted but such proposals would result in a material change of use which would require separate application to/consent from the Council. I can only consider what is applied for and what is before me which are the extensions to a property which would still be a residential unit within Use Class C3. Matters relating to water disposal or similar are dealt with under Building Regulations. The impact of a proposal upon the value of a property is not a material planning consideration.
13. Comments regarding concern over residential amenity are noted but this does not form a refusal reason. The Council have specifically assessed the amenity of no. 7a and no. 11, which adjoin the appeal site, with specific regard to overbearingness and loss of light. I have reviewed the comments alongside my site visit and do not find impact upon light or overbearingness or any evidence before me to conclude differently to the Council on this matter.
14. An objection from 27 Park Crescent is noted, however, given the separation distances and general urban setting I do not find the proposal would result in a loss of privacy. The skylights would, additionally, be orientated facing towards the side elevation of the neighbouring property. I do not find that they would offer natural views into the garden of no. 27 which impact upon privacy.

### **Conclusion**

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

*Eleni Randle*

INSPECTOR