

Appeal Decision

Site visit made on 15 July 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2021

Appeal Ref: APP/D5120/D/21/3271948
27 Newlyn Road, Welling DA16 3LH

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr V Nguyen against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/03194/FUL, dated 7 December 2020 was refused by notice dated 11 March 2021.
 - The development proposed is a part one/part two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my visit, the first floor rear extension and ground floor side extension had been constructed. The plans also show a single storey rear extension tied into the first floor extension, which was also present. To this end, I have used the Council's description of the development which is more accurate.
3. The fact that the development is substantially complete has no bearing on my decision which is based on the planning merits of the case.

Main Issues

4. The main issues in this case are the effect of the development undertaken on the character and appearance of the host dwelling and its effect on the living conditions of the occupiers of No. 29 Newlyn Road with particular regards to outlook and access to natural light.

Reasons

Character and appearance

5. The appeal relates to a semi-detached property. The development includes a single storey extension spanning the full width of the existing dwelling, with a projection of some 6 metres from the main rear elevation, along with a two storey section set off the boundary with the adjoining property, No. 29 Newlyn Road, projecting some 3 metres from the main rear elevation.
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6. As explained, the development also includes a single storey side extension. The Council has no concerns with this element of the scheme and I see no reason to disagree.
7. The appellant asserts that the single storey element of the rear extension is only 2 metres deeper than an earlier addition, which is no longer present. However, the total depth of the new addition significantly exceeds the maximum 3.5 metres recommended by the Council's adopted Development Control Guidelines Note 2 (Extensions to Houses) (DCGN2). The single storey rear section is also deeper than any of the other extensions within the immediate vicinity that I could see. The two storey element would not project as far and would not span the full width of the rear elevation. When seen in the context of the box dormer, which I understand has recently been added under the provisions of permitted development, this element of the scheme does not appear as a disproportionate addition.
8. Notwithstanding this, when viewed in the context of this pair of semi-detached dwellings, with the attached dwelling having not been extended to the rear, the single storey rear section appears as a disproportionate and over-sized addition. In such terms, it harms the character and appearance of the host dwelling.

Living conditions

9. The single storey element of the rear extension runs along the boundary with the attached dwelling, No. 29 Newlyn Road which as I have explained, has not been extended to the rear. As noted, the level of projection significantly exceeds the DCGN2 guideline. Even though the eaves height is below the maximum 3.1 metres of the DCGN2, this underlines my concern that the large expanse of the side elevation of the single storey element of the rear extension appears overly dominant and oppressive when viewed from the nearest rooms at the back of No. 29 and from its patio area.
10. Given the northerly aspect of the rear of these properties, the single storey element of the rear extension also casts significant shadow over the nearest room at the back of No. 29 along with its patio area at certain times of the day, thereby unacceptably reducing the levels of natural light available to its occupiers. As a result, the single storey element has an unduly harmful effect on the living conditions of the occupiers of No. 29 Newlyn Road.
11. The two storey element of the rear extension is set off the boundary with No. 29 by 1.5 metres rather than the 2 metres recommended by DCGN2. Nevertheless, I am satisfied that this set off and a relatively modest projection of 3 metres is sufficient to ensure that this element of the development does not unduly harm the outlook or levels of natural light available to the occupiers of this attached property.

Other considerations

12. The Appellant points to the fact that a 6 metre deep single storey extension could be built under the 'Prior Approval: Larger Home Extension' scheme and refers to an associated Appeal Decision (Ref. APP/D5120/D/17/3172096). However, I note in that particular case the attached dwelling had also been extended to the rear. In any event, the proposal before me is a formal

application for planning permission for a materially different scheme where matters of design in addition to residential amenity must be taken into account.

13. The appellant also explains that the development provides additional living space, but this aim is common to most proposals to extend dwellings.

Overall Conclusions

14. I conclude that although the two storey element of the development and the single storey side addition do not harm the character and appearance of the host dwelling, the single storey rear section is an over-sized addition which does inflict undue harm in such terms. This element of the development also harms the outlook for the occupiers of No. 29 Newlyn Road along with the levels of natural light available to this property at certain times of the day.
15. In such terms, the development conflicts with policy CS01 of the adopted Bexley Core Strategy, policies H9 and ENV39 of the adopted Bexley Council Unitary Development Plan and DCGN2; which collectively promote high quality design that is appropriate to its context and seek to safeguard appropriate levels of residential amenity. The arguments advanced by the appellant do not outweigh these failings and policy conflict therefore the appeal does not succeed.
16. Given that some elements of the development are acceptable, I have considered the possibility of a split decision. However, as they are physically linked, it is not possible to do so in this particular case.

David Fitzsimon

INSPECTOR