

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/21/3272885
59 Oaklands Avenue, Sidcup DA15 8NE

- 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 M Fletcher against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/00257/FUL, dated 26 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is a part single/part two storey side extension, first floor rear extension and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development proposed on the living conditions of the occupiers of No. 61 Oaklands Avenue with particular regard to outlook and access to natural light.

Reasons

3. The appeal relates to an end of terrace dwelling which sits within a residential road. The proposal seeks to add a two storey side extension which would be recessed from the main front elevation of the host dwelling. It would wrap around the rear corner of the dwelling, replacing an existing single storey rear extension, before reducing to a single storey.
 4. The adjacent dwelling at No. 61 Oaklands Avenue sits directly on the shared boundary. The proposed two storey side extension would sit very close to this shared boundary and would project some 2.7 metres beyond the rear elevation of this neighbouring dwelling.
 5. As a result, the large expanse of the blank side elevation of the proposed two storey extension would be highly visible from the nearest ground floor window and door at the back of No. 61. I understand that this window and door serve a kitchen, where occupiers would be expected to spend a reasonable amount of time. Furthermore, the large expanse of the side elevation of the proposed two storey extension would be very visible from the nearest part of the garden of
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No. 61. When viewed from here and from the kitchen, the two storey extension would appear overly dominant and overbearing.

6. The appellant argues that the extension would not break the '45 degree rule' with regards to the living room of No. 61. Nevertheless, given the aspect of the two properties, I consider that the proposed extension would cast a noticeably greater shadow over the kitchen and closest part of the garden of No. 61 at certain times of the day than the existing appeal dwelling.
7. In such terms, the effects of the extension would be unacceptably harmful. The proposal therefore conflicts with policies H9 and ENV39 of the adopted Bexley Council Unitary Development Plan and the Council's Design and Development Control Guidelines Note 2 (Extensions to Houses) which collectively promote high quality design that safeguards appropriate living conditions for nearby residents.

Other considerations

8. The appellant has referred to several domestic extensions within the local area. However, I do not know the precise planning circumstances behind the examples highlighted. In any event, I have considered the proposal before me on its individual merits, taking into account the site-specific circumstances of the case.

Overall Conclusions

9. I conclude that the proposed two storey side extension would unacceptably harm the outlook from the rear of No. 61 Oaklands Avenue and would cast an unacceptable level of shadow at certain times of the day, contrary to the development policies outlined above. The arguments advanced by the appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR