



Appeal Decision

Site Visit made on 14 September 2021

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

Appeal Ref: APP/D5120/C/20/3259071

29 Edison Road, Welling, DA16 3NF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Bastiampillai Janson against an enforcement notice issued by London Borough of Bexley.
 - The notice was issued on 5 August 2020.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a covered area to the rear of the property shown in the approximate location outlined in blue on the attached plan.
 - The requirements of the notice are:
 1. Remove the covered area shown in the approximate location outlined in blue on the attached plan from the land.
 2. Remove all resultant materials from the land.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. The appellant refers to policies from the 2019 version of the National Planning Policy Framework (NPPF). Since the appeal was lodged, the revised NPPF was published in July 2021 which has superseded the 2019 version. The parties have been given the opportunity to comment on its implications for the case and any responses have been taken into consideration.

Reasons

3. Having regard to the reasons for issuing the notice, the main issue is the effect of the development on the character and appearance of the site.
4. The site is a semi-detached house within a predominantly residential area with a mixture of styles and forms of development. There is a terrace of older properties to one side of the appeal site, and further semi-detached properties to the other. Opposite the site is a row of bungalows. The dwellings generally have similar external materials, with brick, render or pebble dash elevations, and brown roof tiles. The dwelling has a rear garden, with a garage court beyond it.

5. The house has previously been extended following an appeal¹, to the side and rear. As a result, it fills the width of the plot and has a part two storey and part single storey addition across the entire rear elevation, with the single storey section adjacent to the adjoining dwelling at No 31. The extended rear elevation is faced with brick, with roof tiles and part of the original pebbledash rendered rear elevation visible above the single storey extension. The Council states that the existing extension projects between 3.1 and 3.5 metres beyond the original rear wall of the property. The covered area is at the rear of the house and is visible from neighbouring properties but not from the street scene.
6. The development is a lightweight construction consisting of a plastic roof supported by four posts and extending across the full width of the rear garden. Although single storey it has added a large structure to a property that has already been significantly extended. Despite its lightweight construction, taken cumulatively with the existing extension, it results in a significant incursion into the rear garden that it is out of scale with the proportions of neighbouring houses. Although there is variety in the built form in the area, the canopy appears as a large area of plastic roofing that does not reflect surrounding materials. Due to its scale, it is readily apparent in views from neighbouring properties, although it is not visible in the street scene. It is nonetheless an incongruous addition that detracts from the character and appearance of the host dwelling.
7. I therefore find that the development is harmful to the character and appearance of the site. It is thus in conflict with Policies H3, H9 and ENV39 of the Bexley Council Unitary Development Plan adopted 2004, insofar as they seek to ensure that development is compatible with the character and appearance of the surrounding area and should not result in overdevelopment. It is in conflict with the guidance in the Council's Design and Development Control Guidelines, but I give this limited weight as it does not appear to have a statutory basis. I also find that the development conflicts with the guidance in the NPPF in relation to achieving well-designed places.

Other Matters

8. The neighbouring occupiers have raised a number of concerns regarding the development, including the effect on their living conditions and the drainage of water onto their property. However, as I am dismissing the appeal, I have not considered these matters further.

Conclusion

9. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

N Thomas

INSPECTOR

¹ Ref APP/D5120/D/15/3140310