



Appeal Decision

Site visit made on 1st February 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 8th March 2022

Appeal Ref: APP/D5120/D/21/3286704

21 Agaton Road, London SE9 3RN

- 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 B Shinnars against the decision of the London Borough of Bexley.
 - The application Ref.21/01275/FUL, dated 15 April 2021, was refused by notice dated 21 September 2021.
 - The development proposed is a part one/part two storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a part one/part two storey side and rear extension at 21 Agaton Road, London SE9 3RN, in accordance with the terms of the application, Ref.21/01275/FUL, dated 15 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plan: BRO/21020/P dated April 2021.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of the occupants of nos 5 and 7 Ermington Road in relation to loss of outlook and loss of light.

Reasons

3. The appeal site is a semi-detached house on the western side of Agaton Road in a residential area. It is orientated roughly north east – south west. On its south eastern side there are rear gardens to dwellings in Ermington Road. The most relevant ones for the purposes of this appeal are nos 5 and 7 Ermington Road. No.7 is on the corner of Ermington Road and Agaton Road.
4. The development proposed is a part single storey, part two storey, extension to the south eastern side of 21 Agaton Road. There is an existing single storey side garage on the south eastern side which would be removed. The proposal

would comprise a two storey side extension which would be set back at the front at first floor level. It would contain a hipped roof which matched the design of the host dwelling but the ridge of the roof would be set down slightly lower than the main roof ridge line. The flank wall would run for about 12.6m in depth but at the rear the two storey element and roof over it would be slightly shorter than that. The flank elevation would have one window serving a staircase/landing. Height to eaves of the proposed flank elevation would be about the same as the existing flank.

5. At the rear there would also be a single storey flat roofed extension about 3.5m in depth from the existing rear wall.
6. The rear elevations of nos 5 and 7 Ermington Road would face the proposed flank elevation. Each have rear gardens. The depth of the gardens is about 20m. Whilst the new flank wall would be deep and close to the edge of its plot, overall I consider that it would be sufficiently separated from the Ermington rear elevations to cause any unacceptable sense of enclosure or loss of outlook to the occupants when in their homes or when in their gardens.
7. In respect of potential loss of light owing to the appeal site being situated to the north west of nos 5 and 7 Ermington and bearing in mind the depth of the gardens, I do not consider that there would be an unacceptable loss of light to the gardens or the dwellings.
8. The proposal would be sufficiently distant or unobtrusive to cause enclosure to the occupants of 23 Agaton Road to the north, or to otherwise harm the residential amenities for the occupants.
9. Therefore, whilst bearing in mind the Bexley UDP Design and Development Control Guidelines, I conclude that in this particular case, the proposal would not unduly harm the living conditions of the occupants of nos 5 or 7 Ermington Road, when in their homes or gardens, in relation to loss of outlook or light. The proposal would not be in breach of saved policies H9 or ENV 39 of the Bexley Council Unitary Development Plan (adopted April 2004).

Conditions

10. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. A condition which ties the built development to the approved plan is necessary for the avoidance of doubt and in the interests of certainty. In order to protect the character and appearance of the host dwelling and its surroundings a condition requiring the extension to match the existing materials is necessary.

Conclusion

11. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas Q.C.

INSPECTOR