
Appeal Decision

Site visit made on 22 March 2022

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH April 2022

Appeal Ref: APP/D5120/D/22/3292043
13 Kimberley Drive, Sidcup, DA14 4PP

- 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 & Mrs Algirdas & Indre Sutula & Lukaite-Sutula against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/02300/FUL, dated 13 July 2021, was refused by notice dated 14 December 2021.
 - The development proposed is Single storey front extension, two storey side extension, single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring dwellings, Nos 11 and 15 Kimberley Drive.

Reasons

Character and appearance

3. The appeal property is a two-storey, semi-detached dwelling, located in a road comprising of residential dwellings of a similar design and appearance.
4. The proposal is for a single storey front extension, two storey side extension and a single storey rear extension which would also extend to the rear of the proposed side extension.
5. The proposed two storey side extension would extend to the side boundary of the site. The front elevation of the extension would be level with the main front elevation of the host dwelling and the eaves and ridge height of the extension would be level with that of the host dwelling.
6. In my view, the proposed extension would not appear subordinate to the host dwelling, as there would be no set-back from the front elevation or lowering of the ridge height. As such, the proposal would be contrary to the detailed design

guidance contained within the Council's Design and Development Control Guideline 2 (DCG2) which expands upon the basic principles of all new extensions outlined in Policy H9 of the Bexley Unitary Development Plan (2004) (UDP). Whilst not forming part of the statutory plan, DCG2 nonetheless provides useful advice and guidance for various types of residential development.

7. Many of the dwellings along Kimberley Drive have been extended to the side at two storey level. Some of these have been constructed without any set back from the front elevation or lowering of the ridge. There are also examples of extensions that are flush with the front elevation but incorporate a lower ridge. However, there are other extensions which are subordinate to the host dwelling, with a set-back from the front elevation and a lower ridge height. Furthermore, a significant number of dwellings have not been extended to the side. The street scene is therefore mixed in this regard although the Council point out that many of the extensions that are not subordinate pre-date the DCG2.
8. The adjoining semi-detached dwelling, No 15 Kimberley Drive has not been extended to the side at two storey level. Whilst any extension to the side of No 13 would create an unbalance with the adjoining dwelling, the lack of a set back from the front elevation or lowering of the ridge height would result in the extension being particularly prominent, resulting in a rather awkward unbalancing of the two properties. This would be harmful to the character and appearance of the host dwelling, the pair of semi-detached dwellings and the surrounding area.
9. I noted on my site visit that the adjacent pair of dwellings to the north have both been extended to the side. Neither extension is set back from the main front elevation of the dwelling although the closest dwelling, 11 Kimberley Drive, has a lower ridge height when viewed from the street scene. Whilst I fully appreciate that there are similar extensions to the appeal proposal along Kimberley Drive, the purpose of the Council's DCG2 is to inform the detailed design of new development. In my opinion, the character and appearance of other properties in the road is not so consistent as to justify the proposed development, particularly as a large number of dwellings along Kimberley Drive have not been extended to the side.
10. The appellants refer to an appeal decision at 16 Eversley Road, Bexleyheath. Whilst this site is within the same Borough as the appeal proposal, it is not within close proximity of the site. In the absence of any further details, I am unable to conclude whether there are any similarities between the proposal at 16 Eversley Road and the appeal site. Similarly, the appellants refer to a different proposal¹ however no further evidence is provided to convince me of the similarities between the two schemes. In any event, I am required to determine the appeal on its own merits and having regard to its immediate context.
11. In conclusion, I find that the proposed two storey side extension would have a harmful effect on the character and appearance of the host dwelling and the surrounding area. Thus, the proposal is contrary to Policies CS01 and CS06 of the Bexley Core Strategy (2012), Policies H9 and ENV39 of the UDP and guidance contained within the DCG2 which, amongst other matters, require

¹ LPA Ref. 20/02670/FUL

development to be of a high standard of design and compatible with the character of existing buildings and the surrounding area.

Living conditions

12. The proposed single storey rear extension would have a depth of 5 metres. It is designed with a shallow pitched roof, with a central ridge height of about 4 metres, lowering to an eaves height of approximately 2.7 metres.
13. The Council's DCG2 advises that single storey extensions at the rear and on the boundary with the adjacent half of the property should not exceed 3.1m in height (to eaves level with pitched roof) above existing ground level or 3.5 metres in depth from the rear of the property. Whilst useful guidance, it is also important to assess the individual merits of the proposal.
14. The adjacent dwelling to the north, 11 Kimberley Drive, is the non-attached neighbouring property. It has a two storey extension to the side which runs along the shared boundary with the appeal site. This extension projects beyond the rear elevation of 13 Kimberley Drive so that the proposed extension to No 13 would extend beyond rear elevation of the closest part of No 11 by about 3.8 metres.
15. There is a ground floor habitable window on the rear elevation of 11 Kimberley Drive which is close to the shared boundary. However, No 11 is located at a higher level than the appeal site which would lessen the impact of the proposed extension on that property. Overall, having regard to the extent of the projection of the extension beyond the rear of No 15, its eaves height and the difference in levels between the dwellings, I find that the proposed rear extension would not have a materially harmful effect on the living conditions of the occupiers of No 11 in terms of loss of light or outlook.
16. The other half of the semi, 15 Kimberley Drive, is set at a lower level than the appeal site. There is also a ground floor habitable room window on the rear elevation on No 15 which is close to the shared boundary with No 13.
17. The proposed extension would be set in from the boundary of the site with No 15 by about 0.36 metres and would also be stepped down from the floor level of the host dwelling in order take account of the neighbouring property. However, due to the overall depth of the extension and its relatively close proximity to the shared boundary and the habitable window on the rear elevation of No 15, in my view it would be visually prominent and would result in a significant loss of outlook from the living accommodation with the dwelling and its adjacent rear garden area.
18. Whilst the appellant's highlight that the rear extension is of a depth which could be constructed under permitted development rights for a larger extension, such an application would be subject to the prior approval of the Council following neighbour consultation. I have no evidence before me to confirm that a prior approval application for a rear extension has been made and accordingly, I attach little weight to this matter as a fallback position.
19. Whilst I conclude that the proposal would not have a significant harmful effect on the living conditions of the occupiers of 11 Kimberley Drive, I find that it would have a materially harmful effect on the living conditions of the occupiers of 15 Kimberley Drive. Thus, the proposal would conflict with Policies ENV39

and H9 of the UDP and the associated DGC2 which, amongst other matters, seek to protect the environment and amenity of adjacent occupiers.

Conclusion

20. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR