



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/22/3291487
29 Faraday Avenue, Sidcup, DA14 4JB

- 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 Saydul Islam against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/02269/FUL, dated 13 July 2021, was refused by notice dated 11 November 2021.
 - The development proposed is demolition of side garage and erection of a new single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of side garage and erection of a new single storey side and rear extension at 29 Faraday Avenue, Sidcup, DA14 4JB in accordance with the terms of the application, Ref 21/02269/FUL, dated 13 July 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 accordance with the following approved plans: FA29-01; FA29-02; FA29-03; FA29-04 and Location Plan.
 - 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 is the effect of the proposed development on the living conditions of the occupiers of 27 Faraday Avenue, with particular reference to outlook and light.

Reasons

3. The appeal property comprises a two-storey, semi-detached dwelling with a detached single storey garage to the side.
4. The proposal is for a single storey side and rear extension. The side extension would have a width of about 3 metres and would be adjacent to the side boundary of the site, beyond which is the non-adjointed dwelling, 27 Faraday

Avenue. The rear extension would extend beyond the existing rear elevation of the host dwelling by about 3.3 metres.

5. The Council's Design and Development Control Guideline 2 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. The proposed extension would have an eaves height of about 2.7 metres and a depth to the rear of about 3.3 metres and accordingly, would technically comply with the above guidance.
6. The pairs of semi-detached dwellings along this section of Faraday Avenue are staggered in relation to each other due to the alignment of the road. Accordingly, the rear elevation of the appeal property is set back beyond the rear elevation of 27 Faraday Avenue. The proposed single storey side and rear extension would therefore project beyond the rear elevation of No 27 by over 6 metres.
7. There is an attached single storey garage to the side of 27 Faraday Avenue, and the main rear elevation of No 27 is therefore set in a considerable distance from the shared side boundary with the appeal site. The proposed side and rear extension would have a maximum height of approximately 3.7 metres where it adjoins the existing dwelling but would slope down towards the side boundary and to the rear, to an eaves height of about 2.7 metres.
8. The appeal property is located to the east of 27 Faraday Avenue. I acknowledge that the proposed extension would be visible above the existing side boundary. However, having regard to orientation of the proposed extension, its relatively low eaves height and the intervening distance between the windows / doors on the rear elevation of No 27, I consider the proposal would be unlikely to have any significant effect on the amount of light received by these windows.
9. Furthermore, for the above reasons, the proposed extension would not be unduly prominent or overbearing and accordingly, would not have a significant adverse impact on the outlook from the windows and doors on the rear elevation of No 27. I also find that the proposal would not result in an unneighbourly sense of enclosure when viewed in the context of No.27's relatively deep rear garden.
10. I therefore conclude that the proposal would not have a materially harmful effect on the living conditions of the occupiers of 27 Faraday Avenue, with particular reference to outlook and light. Thus, it complies with Policies ENV39 and H9 of the Bexley Unitary Development Plan (2004) and the associated Design and Development Contril Guideline 2 which, amongst other matters, seek to protect the environment and amenity of adjacent occupiers.

Other Matters

11. With regard to third party comments, I am satisfied that the use of the extension as living accommodation would be unlikely to result in noise and disturbance to neighbouring occupiers. Considerations relating to the Party Wall Act and to issues relating to the construction of the extension do not fall within the remit of this appeal and are matters to be resolved between the two parties.

12. Whilst there are several trees along the rear and side boundary of the site, I am nonetheless satisfied that these would not adversely impact the proposed development.

Conditions

13. A condition requiring the use of matching materials is necessary to protect the character and appearance of the dwelling and the local area. I have also imposed a condition specifying the relevant plans to provide certainty.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

J Davis

INSPECTOR