



Appeal Decision

Site visit made on 7th April 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: 22nd April 2022

Appeal Ref: APP/D5120/D/21/3289490

3 Clinton Avenue, Welling DA16 2DY

- 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 Eastern Development & Trading Ltd against the decision of the London Borough of Bexley.
 - The application Ref.21/02228/FUL, dated 5 July 2021, was refused by notice dated 29 October 2021.
 - The development proposed is a "two-storey rear and side extension with a front porch addition to an existing three-bedroom semi-detached house to accommodate additional two bedrooms total 4 bed room + guest room with associated amenities, bike and bin storage."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the host dwelling and surrounding area, and the effect on the living conditions of the occupants of nos 1 and 5 Clinton Avenue in respect of outlook and light.

Reasons

Character and Appearance

3. The appeal site is a two-storey semi-detached dwelling with a small rear garden. The property is located at the end of a building line comprising a long row of semi-detached pairs of buildings. The existing property occupies a relatively small plot with a (now demolished) detached garage to the north-east. The semi-pair of the appeal site is no.5 Clinton Avenue.
4. The appeal dwelling faces north-west to the street. No.5 is to its south-west and no.1 Clinton Avenue is to its north-east. The latter is one of a semi-pair that rounds the corner of Clinton Avenue into Merlin Road North. No.5 has a part single storey, part two storey extension at the rear. It has a first floor window closest to the appeal site which is an original window and so is located on the former rear elevation and therefore recessed back from the existing rear elevation.
5. The Clinton Avenue streetscene comprises properties of similar scales and appearances to the appeal dwelling. Where they have been altered, it is

generally limited to either a single storey to the side or between one and two storeys to the rear. On nearby streets including Merlin Road North there are examples of two storey side extensions to semi-detached properties.

6. The proposal is for a two-storey side and rear extension including the addition of a front porch. The side extension would be approximately 4.6m in width at ground floor level and about 3.4m in width at first floor level. The structure would have a crowned roof with hipped sides. To the rear, the two-storey element would project outward from the rear elevation by approximately 3.5m and the single storey element would project outward by approximately 4.5m. At the rear the ground floor element would be deeper than the ground floor element at no.5, its semi-pair. The resulting ground floor accommodation would be broadly rectangular leaving a small gap between the common boundary with no.1 Clinton Avenue. The first floor accommodation would step in from that common boundary and from the ground floor element. Green roofs and green walls are planned for a green edge with no.1. The first floor accommodation at the rear would step in away from the boundary with no.5, by about 2m.
7. The proposed extensions would result in extensive additions to no.3 Clinton Avenue which would appear extremely bulky and out-of-scale with the original house. Whilst it is acknowledged that there was a detached garage on the site, the ground floor development would extend close to the common boundary with no.1 and the proposed width and lack of a robust physical and visual stepping back from the front elevation of the main building would result in a prominent and unsympathetic development. The proposed first floor accommodation would also look prominent despite the hipped roof being below the ridge line of the main roof. The character of the original dwelling would be entirely lost and subsumed.
8. Furthermore, there is a pleasing symmetry with no.5 (the semi-pair) which would be compromised, resulting in a loss of balance between the two dwellings. This would be exacerbated by the fact that the majority of semis along Clinton Road retain distinctive elements of symmetry and contribute to the harmony of that streetscene. In addition to this, as the appeal site is located close to the junction between Clinton Avenue and Merlin Road North, the side elevation of the original property is visually prominent in the context of the street. The development would be positioned to the side and rear of the building, and therefore much of the development would be visible from public vantage points. Overall, the proposed development would appear squeezed into the plot and would be incongruent and of poor design.
9. On this issue, I conclude that the proposal would unduly harm the character and appearance of the host dwelling and surrounding area and would be contrary to policy CS01 of the Bexley Core Strategy (adopted 2012) and saved policies ENV39 and H9 of the Bexley Unitary Development Plan (adopted 2004).

Living Conditions of Occupants of No.1 and No.5 Clinton Avenue

10. As it is a corner property, the rear habitable room windows of no.1 Clinton Avenue look directly into the back of the rear garden of the appeal property. As the property occupies a triangular plot, the rear garden is very constrained in terms of length, width and usable size. The development would include elements of one and two storeys in height and would come very close to the side boundary that is shared with no.1 Clinton Avenue. Due to the angled

arrangement of the buildings, after completion of the development there would be approximately 6-7m spacing between the rear facing habitable room windows and the flank elevation of the extension. Given the angled arrangement of the buildings, both the single storey and two storey elements would therefore be highly visually prominent from the outlook of the neighbouring building. In view of the constrained size and arrangement of the neighbouring site, alongside the proximity of the dwelling to the extension, I consider that the development would result in a significant adverse impact on the amenities of this occupier in terms of outlook, overbearance and sense of enclosure.

11. Furthermore, I consider that because of the scale of the proposal and its location close to the boundary and south-west of no.1 Clinton Avenue, it would prevent some afternoon/early evening sunlight reaching the garden of no.1. This loss of light would be to an unacceptable level curtaining the enjoyment of the garden by the occupants of no.1 and also reducing light reaching the ground floor habitable rear rooms.
12. Turning to the amenities of no.5 Clinton Avenue, the proposed first floor extension at the appeal site would be set approximately 1m away from the common boundary of the site. Bexley UDP Development Design Control Guideline 2 advises that first floor extensions to the rear of semi-detached buildings should be set back from this boundary by at least 2m in order to preserve the amenities of these occupiers. As described above, no.5 has a first floor window not far from the common boundary with no.3, which appears to serve a bedroom. The outlook from that window would be restricted by the proposal, owing to the proximity, height and depth of parts of the proposed first floor element. The occupants would feel closed in and the proposal would be overbearing. Furthermore, the proposal would prevent sufficient light from reaching that window and so detrimentally affect the amenities for the occupants of no.5.
13. On this issue, I conclude that the proposed development would cause an unacceptable loss of outlook and light for the occupants of nos 1 and 5 Clinton Avenue. The proposal would conflict with policy CS01 of the Bexley Core Strategy, saved policies ENV39 and H9 of the Bexley Unitary Development Plan (adopted 2004) and the associated Design and Development Control Guideline 2.
14. Land in built-up areas which is residential garden is not previously developed land or brownfield land as defined by the National Planning Policy Framework, but nevertheless I have borne in mind that national and local policy encourages making use of urban land in an effective way and optimising the potential of a development site as it is generally sustainable to do so. I have also had regard to the other developments including planning permissions referred to in the appellant's representations and I saw several on my site visit. However, I have determined this appeal on its own merits as I am obliged to do and I have formed my own judgement of the character of the area surrounding the appeal site. None of the factors raised by the appellant are of sufficient weight to outweigh the harm I have identified above to living conditions of neighbours and to the character and appearance of the host dwelling and the wider area.

Conclusion

15. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas Q.C.

INSPECTOR