



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/22/3293950

69 Danson Road, Bexleyheath, DA6 8HP

- 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 Mrs D Courtney against the decision of the London Borough of Bexley.
 - The application Ref.21/02928/FUL, dated 14 September 2021, was refused by notice dated 16 December 2021.
 - The development proposed is the construction of a part double storey rear extension above the existing single storey rear extension, reduction of the first floor terrace area, construction of a new terrace above the first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a part double storey rear extension above the existing single storey rear extension, reduction of the first floor terrace area and construction of a new terrace above the first floor extension at 69 Danson Road, Bexleyheath, DA6 8HP, in accordance with the terms of the application, Ref.21/02928/FUL, dated 14 September 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: 1485-DR-050revP1 (Ordnance Survey), 1495-DR-100revP1, 1495-DR-150revP1, 1495-DR-151revP1, 1495-DR-251revP1, 1495-DR-250revP1, 1495-DR-300revP1 & 1495-DR-200revP1.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the main dwelling.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of the occupants of 67 Danson Road in respect of outlook, privacy and light and on the occupants of 71 Danson Road in respect of privacy.

Reasons

3. The appeal site comprises a detached three storey dwelling located on the east side of Danson Road, some 80 metres south of the junction with Water View Close. The east side of Danson Road is predominantly residential, in terms of both built form and land use. Danson Park is on the west side of Danson Road. To the north of no.69 Danson Road and stepped forward of its front building line is no.67 Danson Road which is a detached dwelling. To the south of no.69 is no.71 and this is situated behind the front building line of no.69. The staggered arrangement extends to the rear of the three properties with the rear elevation of no.71 being the most easterly elevation. All three dwellings have long rear gardens. They are art deco style houses and have one or more roof terraces allowing mutual overlooking of either living accommodation, garden space or both.
4. The proposal is to construct an extension on part of the existing first floor rear terrace and use the resulting flat roof of it as a second floor rear facing terrace. Amongst other things, the Council is concerned that the proposed extension would cause unacceptable loss of outlook and light from and to the first floor habitable room windows of no.67 (to the north). No.67 also has a rear conservatory at ground floor level which I was able to see on my site visit from no.69. However, the proposed extension would be only about 1.7m deep and it would be built on the first floor terrace which is situated at the rear of the house on a narrower extension than the full width of the house and steps in at least 1m from the common boundary to its north. The house at no.67 sits away from the common boundary line with its flank wall stepped in from no.69. Given these separation distances and the height and modest depth of the proposed extension, I do not consider that there would be an unacceptable loss of daylight or sunlight or loss of outlook for the occupants of no.67 when in the conservatory, or within rear-facing habitable rooms or when in their garden.
5. In respect of overlooking from the proposed second floor terrace, views over the garden of no.71 and over the rear elevation and garden of no.67 are extensive from the existing rear first floor terrace of no.69. I was able to confirm this on my site visit. Similarly, from the second floor window (southerly-most) of the rear elevation of no.69, to which I also had access, there are broad views over the gardens of nos 67 and 69. Views of the garden of no.67 are also possible from the open window serving the bathroom of no.69 which is on the second floor rear elevation (northerly-most window) but these are limited and I have placed no weight on them. Taken as a whole, I consider that loss of privacy for the occupants of either 71 or 67 Danson Road would not be worse given the already extensive views from no.69's large first floor terrace, and, given that there would be an increased separation distance for viewing because of the height of the proposed second floor terrace.
6. Overall, I conclude that the proposal would not result in an unacceptable loss of outlook, light or privacy for the occupants of 71 or 67 Danson Road. There would be no conflict with policy CS01 of the Bexley Core Strategy (2012), policies H9 and ENV39 of the Bexley Council Unitary Development Plan (2004) or the UDP Design and Development Control Guidelines.

Conditions

7. 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 plans is necessary in the interests of certainty. I have noted that the some of the section notations are incorrect but the errors are obvious given the orientation of the existing dwellings. No revised set of plans is necessary. 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 of the dwelling is necessary. I have noted that other conditions have been put forward but given my findings I do not consider further conditions are necessary to make the development acceptable.

Conclusion

8. 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