



Appeal Decision

Site visit made on 19 May 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH July 2022

Appeal Ref: APP/D5120/D/22/3297401

95 Heversham Road, Bexleyheath DA7 5BN

- 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 Sian against the decision of The London Borough of Bexley Council.
 - The application Ref 21/03684/FUL, dated 4 December 2021, was refused by notice dated 9 February 2022
 - The development proposed is retention of single storey side extension and new front porch roof.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal relates to an application for planning permission for development that has been implemented, the application is, therefore, retrospective. I have determined the scheme on this basis accordingly.

Main Issues

3. The main issue is the effect of the development on the living conditions of neighbouring residential occupiers, with reference to 93 Heversham Road (No.93).

Reasons

4. The appeal property is a semi-detached house, located in a predominantly residential area of similar properties. Although the appeal property and its semi-detached pairs main elevations are parallel to and face directly onto the street, the neighbouring semidetached pairs on either side are angled to face their corner location and context. This results in narrowing rear garden spaces for these corner properties and angled visual relationships and overlooking between them and neighbouring properties.
5. The extension is a single storey flat roofed side extension, which also incorporates a change of roof to a small porch extension in front of the original front door to the property. The porch extension and side extension align to the

front and project slightly forward from the front wall of the house. The width of the side extension appears to result in it aligning and would appear to be on the boundary between the appeal property and No.93. At approximately 13.2 metres long, the extension projects significantly from the rear wall of the house and its flank wall runs along the majority of the boundary between the appeal property and the rear garden of No.93.

6. Given the angled relationship between the appeal property and No.93 the extension is highly visible from the garden space and rear rooms of No.93. Given the height, scale and proximity of the extension to No.93, this results in the extension appearing as intrusive and enclosing, with a domineering and overbearing effect, particularly when viewed from the rear ground floor rooms of No.93. As apparent from my site visit, this angled relationship and limited separating distances to the habitable rooms of No.93 results in the extension being experienced as an oppressive presence, thereby causing unacceptable loss of outlook for the residential occupiers at No.93.
7. I note from my site visit that the appeal property's semi-detached pair appears to have a side extension of almost the same size and with similar relationship to its boundary with the neighbouring property. Although the angled relationship between this extension and its neighbouring property is the same as between the appeal property and No.93, the orientation of the properties differs, in that the side wall of the neighbouring property rather than the rear elevation of the house faces onto the flank wall of this extension, thereby having a significantly different effect in terms of outlook.
8. No boundary fencing was in place during my site visit and the full blank flank wall of the extension was visible along its entire length from the garden and rear rooms of No.93. I have considered whether the application of a condition could be applied to protect the living conditions of neighbouring occupiers, by requiring a full height fencing screen to be installed along the boundary of the two properties. However, whilst this could be potentially successful in improving the appearance of the rendered flank wall of the extension, it would not remove the loss of outlook and oppressive effect resulting from the extension. Such an approach would therefore not make an unacceptable development otherwise acceptable, as set out in paragraphs 55 and 56 of the National Planning Policy Framework (2021) (The Framework) and Planning Practice Guidance.
9. For these reasons I find that the development results in significant harm to the living conditions of the residential occupiers of No.93. This is contrary to policies ENV39 and H9 of the of the Bexley Unitary Development Plan (2004) (Saved Policies), Policy D3 of the London Plan (2021) and Section 12 of the Framework, which collectively seek to ensure that developments create a high standard of amenity for existing and future users.

Conclusion

10. The appeal is dismissed.

Victor Callister

INSPECTOR