



Appeal Decision

Site visit made on 7 September 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/D5120/D/22/3299661

14 Lyndhurst Road, Bexleyheath, DA7 6DF

- 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 Chirag Mistry against the decision of the London Borough of Bexley.
 - The application Ref 21/02950/FUL, dated 21 September 2021, was refused by notice dated 29 March 2022.
 - The development proposed is described as a Demolition of side extension and erection part single and part double side rear extension and Loft conversion incorporating hip to gable flank wall extension and rear Dormer /Front Porch /Erection of Outbuilding at rear garden
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It is noted that the application form contains a number of elements requiring planning permission. The Reason for Refusal as noted on the Council's Decision Notice only refers to the two storey side extension. As this is the only matter in dispute, I shall base this letter on this matter only.

Main Issue

3. The main issue is the effect of the two storey side extension upon the existing building and the character and appearance of the locality.

Reasons

4. The appeal site is located along Lyndhurst Road, a residential road that is part of a larger estate that appears to have been developed in the early to mid-twentieth century. Lyndhurst Road contains pairs of semi-detached dwellings with a functional design that have been laid out in a formal speculative housing development which maintains the same designs with two storey construction, hipped roof forms with large central coaxial chimney stacks. The dwellings along Lyndhurst Road have been laid out in a regimented fashion with the same setbacks from front and side boundaries and gaps in between dwellings at first floor and sometimes ground floor enabling glimpses to the tops of trees behind. These details along with vegetated front gardens assists in creating positive elements which reflect the qualities of character, appearance and local distinctiveness for this particular location. Whilst there is evidence of extensions and alterations seen throughout the estate, they are generally subservient to the main dwelling and retain the positive characteristics which contribute to local distinctiveness.

5. The appeal site is one of the original characteristic half of pairs of semi-detached dwellings constructed as part of the residential estate in a functional design and contains a single storey side extension with lean-to roof. Unfortunately, much of the front garden has been removed for vehicular parking, but maintains its symmetrical appearance and regimented setbacks within the street scene with the remaining half of the semi-detached dwelling. The remaining half of the semi-detached dwelling (No.16) has a two storey side extension that is setback at first floor level.
6. When undertaking development, the London Borough of Bexley Unitary Development Plan (UDP) saved Policy ENV39 specifies a number of design criteria to take into consideration, such as being compatible to the area, the layout, scale, massing, and elevational treatment, amongst others. The London Borough of Bexley Core Strategy (CS) Policy CS02 is directly related to the Bexleyheath geographic region and seeks that development protect the strong character, and is of high quality that improves the quality of the built environment. The design policies are also supported by the Design and Development Control Guideline No.2 (DCG2) Extensions to Houses guidance which seek that extensions be proportionate and subservient to host dwellings.
7. The proposed two storey side extension would elongate the existing ridge and mimic the existing pitch with the first floor of the two storey element not being setback from the front façade or the ridge or maintaining a larger gap between the neighbouring pair of semi-detached dwelling. Whilst the DCG2 places an emphasis on subservience, the proposed side extension would have an asymmetrical appearance that would unbalance the pair of semi-detached dwelling, causing harm to the character and appearance of the area. Additionally, the extension without any setback would create a terracing effect with No.12, as the extension would effectively remove the visual gap at first floor level. I disagree with comments made within the appellant's Statement of Case (SoC) which states that the relationship between No.12 and the appeal site 'is more visually important' given that No.12 is not part of the pair of semi-detached dwellings that the appeal site forms part of and where the character is associated with pairs of semi-detached dwellings with visual gaps in between. Whilst there is symmetry and gaps to contend with along the street, there is also a very strong relationship of the pair of semi-detached dwellings in order to have a coherent design which contributes to the local distinctiveness of the appeal building and the locality.
8. I also appreciate that there are some examples in the locality and along the street where a setback has not been incorporated at first floor level and that pairs of semi-detached dwellings are asymmetrical¹. Whilst I have not been given the individual details and considerations behind each of the schemes, according to the Council, these schemes were erected under a different policy position than currently. It would also appear that in the examples given that the gap between dwellings is maintained, unlike the proposal which would be constructed close against the party wall with the neighbouring No.12. Having viewed these examples, the lack of symmetry does not reinforce the positive characteristics of the street scene or local distinctiveness of the locality and taking the above into account, would not provide adequate justification for the appropriateness of the proposed scheme.

¹ Nos. 1 and 3 Lyndhurst Road; Nos. 5 and 7 Lyndhurst Road; Nos. 9 and 11 Lyndhurst Road; Nos 17 and 19 Lyndhurst road; Nos. 21 and 23 Lyndhurst Road.

9. I also note the submission of a dismissed appeal² where the Inspector in this case judged in favour of the proposal with regards to character and appearance where the proposal did not have a setback at first floor level from the front facade. This case involved an end terraced dwelling in a group of four dwellings where the existing opposite end of the terrace did not have a setback at first floor level and the proposal sought to 'bookend' the appearance of this group of terraces rather than to make it asymmetrical. The example appeal does not have similarities to the appeal or justifies the acceptability of the proposed development.
10. In conclusion of this matter, the proposed extensions would be clearly disproportionate and would be harmful to the character and appearance of the existing building, and would not reinforce the positive characteristics of local distinctiveness of the locality. The proposed scheme would therefore be contrary to UDP saved Policy ENV39 and CS Policy CS02 LP which is supported by the DCG2 as described previously.

Other Matters

11. I note comments from an interested party with regards to encroachment of boundary and construction works and foundations, and the loss of property value. Property boundary issues and loss of property value are not planning related considerations and therefore cannot be considered as part of this scheme.

Conclusion

12. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR

² Appeal Ref: APP/D5120/D/18/3207370