



Appeal Decision

Site visit undertaken on 7 September 2022

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

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/D5120/D/22/3300610

15 Martens Close, Bexley, DA7 6AD

- 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 L Shao against the decision of the London Borough of Bexley.
 - The application Ref 22/00705/FUL, dated 18 March 2022, was refused by notice dated 12 May 2022.
 - The development proposed is described as a single storey rear conservatory.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposal from the Council's Decision Notice which more succinctly describes the elements requiring planning consent.

Main Issue

3. The main issue is the effect of the proposed development upon:
 - The character and appearance of the host dwelling and the surrounding locality; and
 - The living conditions of the existing and future occupiers of No.13 Martens Close as a result of access to light, and sense of enclosure.

Reasons

Character and Appearance

4. The appeal property is one half of a semi-detached dwelling which appears to date from the early - mid twentieth century as a speculative housing estate. The dwellings along Martens Close have a similar design with two storey with hipped roofs and a main bow window to the front of the property. The rear of the dwellings are relatively long with mature vegetation that can be glimpsed through gaps between dwellings along Martens Close. In this particular locality the front and side boundary walls are unusually low and assist to adding to the spaciousness and importance of openness and visual gaps in and around dwellings. To the rear of the dwellings there is evidence of rear extensions, however these typically project approximately 3 metres and are low scale and subservient to the main dwelling. These are some of the positive elements which contribute to local character and distinctiveness.

5. The appeal site is one of the original semi-detached dwellings of the estate, however has been modified by the changing of the roof form from hip to gable and extensions to the roof and a single storey extension to the rear. The proposal would see the single storey rear extension increasing in depth to 6 metres.
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. Saved UDP Policy H9 is directly related to extensions and alterations and seeks that development is compatible with the character scale, and the character of existing and adjacent buildings. 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. I agree with the appellant that rear extensions are relatively common in this area, and that the extension would be a secondary addition to the dwelling, however surrounding extensions are characteristically very modest in size. Additionally, given the low height of the side boundaries, development is much more prominent which changes the way extensions to the rear are experienced. The proposed extension, whilst only 3.5 metres deep would result in an overall rear projection of 6 metres, which is almost the depth of the main dwelling and would be unlike any other extension that typifies the immediate local character. I therefore disagree with the Appellant's Statement of Case (SoC) which views such a depth as being subservient. Given the character of the surrounding locality, the depth of the extension would be an incongruous addition that would be noticeable longer and cause harm to the character, appearance and local distinctiveness of the area.
8. I also note comments in the appellant's SoC which provides further justification in that the proposal is not visible from the street and that permitted development rights allow extensions of a larger size than as proposed. The Saved UDP Policies ENV39, H9, or CS Policy CS02 do not limit the consideration of character and appearance to the public realm, and considerations of character and appearance to the private realm are equally valid considerations against the policy. The issue over permitted development rights is not relevant to this case, considering that the current rear wall is not the rear of the original dwelling, and these considerations would not apply.
9. Taking the above into account, and in conclusion of this matter, the proposed scheme would be excessive and disproportionate in size and would be an incongruous addition which would cause harm to the character and appearance of the existing dwelling and of the greater locality. Consequently, the proposal would be contrary to saved UDP Policies ENV39, H9, or CS Policy CS02, which is supported by the DCG2, as described previously.

Living Conditions

10. The neighbouring property at No.13 belongs to the remaining half of the semi-detached dwelling with the appeal site. This property does not contain any rear

extension, and whilst the garden is large and of a similar size to the appeal site, there is a small paved area to the rear of the dwelling which is used for formal sitting out immediately adjacent to the existing rear extension.

11. I agree with the appellant that the existing extension is not on the boundary, however it is very close, being only setback 0.35 metres from the shared boundary with No.13. This minor setback is inconsequential in reducing the sense of enclosure and does not materially facilitate a reduction in visual bulk or dominance of built form on the rear garden which would measure 6 metres. This would provide a poor visual outlook to No.13 and increase the sense of enclosure, causing detrimental impacts to the living conditions of residents of No.13. Whilst I acknowledge comments regarding the presence of the hedging along the shared boundary, this has a materially different appearance that changes with the seasons and has a much softer appearance and form than a solid wall.
12. Turning to access to light, given the direction of the sun, it is likely that the proposed extension would cast a further shadow to the windows of No.13 in the afternoon. Whilst the increase in shadow would be noticeable, I am not convinced that the result would be adversely detrimental given that sufficient access to light is generated, particularly in the morning.
13. Consequently, and in conclusion of this matter, whilst I agree with the appellant that there is no material harm caused by overshadowing or loss of light, the proposal would cause adverse detriment to the living conditions of the neighbouring property as a result of sense of enclosure and overbearingness of the proposal towards No.13 and contrary to Saved UDP Policy H9 which is supported by the DCG2 LP Policy DM10 as described previously.

Conclusions

14. Whilst I have sided with the appellant with regards to matters involving overshadowing and loss of light, when considering the development plan as a whole, this would not be sufficient to overcome the effect of the scheme upon the living conditions of the neighbouring resident as a result of sense of enclosure and overbearingness and from the character and appearance.
15. For this reason, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal be dismissed.

J Somers

INSPECTOR