



Appeal Decision

Site visit made on 20 December 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/D5120/D/22/3306199

16 Danson Mead, Welling DA16 1RU

- 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 Ms Zhao Hibbs against the decision of the Council of the London Borough of Bexley.
 - The application Ref 22/00241/FUL, dated 25 February 2022, was refused by notice dated 29 June 2022.
 - The development proposed is part one, part two storey side rear extension. New outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site has existing planning permission for the erection of a single storey ground floor front and rear extension and part first floor rear extension¹. At time of my site visit, construction works were taking place at the site.

Main Issue

3. The main issue in this appeal is the effects of the proposal on the living conditions of the occupants of 15 Danson Mead, with particular regard to outlook, daylight and sunlight.

Reasons

4. The proposal is similar to that granted by the site's extant planning permission but would increase the depth of the proposed first floor element of the rear extension to 3.5m, an increase of 0.5m from the permitted scheme which is a significant difference.
5. The appeal property and neighbouring dwelling No 15 are situated close together, with the side elevations of each building separated by a narrow garden path and timber fence. The two-storey side elevation of the proposed rear extension would therefore be located close to the shared boundary with No 15.
6. At the rear of No 15, a small conservatory projects rearwards immediately adjacent to the shared boundary. A living room is located next to the

¹ APP/D5120/D/21/3267399

conservatory. At first floor level, bedrooms are situated above the conservatory and living room.

7. The conservatory and the bedroom situated above have rear-facing windows. The living room and bedroom above it each has a large bay window. The glazed side panel on the angled side of each bay window is oriented toward the appeal site. The conservatory and living room each has glazed French doors which open onto a patio area with seating within the long back garden.
8. The appeal property and No 15 are broadly similar in form and appearance. However, the appeal property is set back from the building line of No 15, with its rear elevation positioned several metres back from the rear elevation of No 15. The first-floor element of the rear extension would be parallel with the flank wall of the appeal property. The combined effect of the position of the buildings and the addition of the first-floor rear extension would result in an extensive two-storey side elevation running alongside the shared boundary beside the rear garden of No 15. The proposed increase in depth of the first-floor element of the rear extension would have an enclosing effect which would harm the outlook from No 15's rear-facing habitable rooms and back garden.
9. The rear elevation and back garden of No 15 has a south facing aspect which receives good amounts of daylight and sunlight. Due to the proposed rear extension's height, position close to the shared boundary, and depth from the rear elevation, the proposal would substantially reduce the amount of daylight and sunlight reaching the habitable rooms and back garden at the rear of No 15.
10. Due to the orientation of the buildings, this loss of daylight and sunlight would be most pronounced in the afternoon where No 15's patio, garden, conservatory, and the first-floor bedroom closest to the flank wall would experience overshadowing. In addition, the glazed side panels of the ground floor and first floor bay windows which are angled toward the shared boundary would experience a considerable loss of daylight and sunlight.
11. Whilst the site already benefits from an extant planning permission, the additional depth of the first-floor element of the proposed extension would, for the reasons set out above, have a harmful effect on the living conditions of the occupants of 15 Danson Mead, with particular regard to outlook, daylight and sunlight. The proposal would therefore conflict with Policy H9 of the Unitary Development Plan (2004) (UDP) which requires the development of residential extensions and alterations to maintain the amenity of residents of neighbouring properties, including daylight and sunlight and outlook, and UDP Policy ENV39 which requires new developments to achieve a high standard of design which would not prejudice the environment of the occupiers of adjacent properties.
12. In addition, the proposal would not accord with Policy D4 of the London Plan (2021) and Paragraph 124 of the National Planning Policy Framework (2021) which together require planning decisions to secure a high quality of design.

Other Matters

13. Comments were received from residents raising concerns that the proposed outbuilding has been constructed in advance of this appeal decision and in a manner which does not reflect the submitted plans. Following my dismissal of

this appeal, of which the outbuilding forms one element, concerns in respect of the constructed outbuilding's planning status are a matter for the Council.

Conclusion

14. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR