The Planning Inspectorate

Appeal Decision

Site visit made on 13 January 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/D5120/D/22/3308840
9A Arbuthnot Lane, Bexley DA5 1EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order).
- The appeal is made by Mr A Rump against the decision of London Borough of Bexley.
- The application Ref 22/01862/PRIORE, dated 19 July 2022, was refused by notice dated 9 September 2022.
- The development proposed is the construction of an additional storey on the existing bungalow.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), permits development consisting of the enlargement of a dwellinghouse by construction of one additional storey, where the existing dwellinghouse consists of one storey.

3. As detailed within the Order, development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval. The local planning authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.

4. The provisions of the Order require the local planning authority to assess the development proposed solely on the basis of a limited number of considerations. The Council has raised concerns in respect of the impact of the development on the amenity of adjoining premises in relation to outlook, overlooking, privacy and the loss of light. I therefore consider this to be the main issue in the appeal.

Main Issue

5. The main issue is whether prior approval should be given, having particular regard to the impact on the amenity of occupants of no. 1A Arbuthnot Lane and no. 8 Arcadian Avenue in relation to outlook, overlooking, privacy and the loss of light.

Reasons

6. The appeal property is a detached bungalow set behind Arbuthnot Lane. It has an existing dormer window to the rear elevation that projects to around halfway down the roof slope, spanning around three-quarters of the roofline.

7. The property is set behind the two storey properties on Arbuthnot Lane. It sits adjacent to no. 1A Arbuthnot Lane which is a detached bungalow and to the rear of the property is no. 8 Arcadian Avenue which is a two-storey detached dwelling. Both these adjoining properties have been extended to the rear.

8. The proposed development would add an additional storey to the dwelling across almost its entire existing footprint.

9. No. 8 Arcadian Avenue is situated to the rear of the appeal property. It is set at a lower level than the appeal site with some intervening landscape features. This property is positioned so that the side elevation, which contains no habitable room windows, is adjacent to the appeal property. The property also has a ground floor rear extension. The appellant has provided a floor plan of the property from an historic planning application.

10. Due to the position of the property and its habitable room windows, when combined with the separation from the appeal property, there would not be an unacceptable impact on the amenity of occupants in terms of outlook or loss of light.

11. On my site visit I was able to look from the existing dormer window that faces towards no. 8 Arcadian Avenue, and I do not consider that the proposed development would make the existing situation significantly worse in terms of overlooking.

12. In terms of no. 1A Arbuthnot Lane which sits to the side of the appeal property, this is notably closer to the appeal property than no. 8 Arcadian Avenue. Sitting to the south of the appeal property, there would not be a harmful loss of daylight or sunlight as a result of the development.

13. The appellant has also provided a floor plan of this property from an historic planning application. Due to the limited separation between the two properties, the element of the proposed extension closest to this property would, due to its scale and siting, have an unacceptable impact on the outlook from this property, and would appear overbearing. For these same reasons, due to the proximity of habitable room windows in the proposed extension to the adjacent property, there would be an unacceptable impact in terms of overlooking and privacy. The impact on all these aspects does however begin to diminish as the extension would move away from the adjacent property.

14. For the above reasons, I find that significant harm would be caused to the amenity of adjoining premises. In this respect, the proposal would not accord with paragraph 130 of the National Planning Policy Framework (2021) which seeks to ensure, amongst other things, that decisions create places with a high standard of amenity for existing and future users.

Other Matters

15. The appellant has highlighted that the officer report only refers to the impact on amenity in relation to outlook and sense of enclosure. Be that as it may, the

reason for refusal expressly refers to overlooking, privacy and the loss of light and I have also taken these aspects of amenity into account in my decision.

16. The appellant has referred to the fact that no third party or neighbour objections were received to the application. The absence of such objections does not, however, equate to an absence of harm. I am also mindful that occupants of surrounding properties will change over time. I therefore give limited weight to the lack of objections received.

Conclusion

17. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR