



Appeal Decision

Site visit made on 19 January 2023

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

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/D5120/D/22/3307603

71 Heron Hill, Belvedere, Bexley DA17 5HJ

- 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 Emmanuel Evbota against the decision of The London Borough of Bexley Council.
 - The application Ref 22/01867/FUL, dated 18 July 2022, was refused by notice dated 13 September 2022.
 - The development proposed is a single storey rear extension. Part conversion of garage. Demolition of existing outbuilding and replacement with granny annex.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension. Part conversion of garage. Demolition of existing outbuilding and replacement with granny annex, at 71 Heron Hill, Belvedere, Bexley DA17 5HJ, in accordance with the terms of the application Ref 22/01867/FUL, dated 18 July 2022 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the development hereby permitted shall match those used in the existing building.
 - 3) The windows to the bathroom and toilet in the development hereby permitted shall at all times be glazed with obscured glass and no part of that window that is less than 1.7 metres above the floor shall be capable of being opened.
 - 4) The granny annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 71 Heron Hill, Belvedere, Bexley DA17 5HJ.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and that of the local area.

Preliminary Matters

3. As the description of the development varies between the documents submitted for the purposes of this appeal, I have used the description from the

Council's decision notice, as this concisely and accurately describes the proposed development.

Reasons

4. The host dwelling is a detached bungalow style dwelling with an integral garage and living accommodation in its roof space, existing full width rear dormer and single storey rear extension. To the front is an extensive paved drive that slopes steeply towards the street. To the rear is an existing rear single storey flat roofed extension. To one side of the rear garden is an existing detached brick built outhouse. To the other side is the entrance to an existing enclosed garden structure that forms part of the appeal property, but that sits to the rear of the garden to the neighbouring property at 75 Heron Hill (No.75).
5. Due to the local topography of the appeal site, which, with the exception of the steep driveway to the property, is excavated and levelled. This results in the host dwelling and its rear garden sitting below the ground level of the neighbouring property at 69 Heron Hill (No.69) and properties that front Morvale Close, but above the level of the neighbouring property at No.75.
6. The proposals involve the demolition of the existing outbuilding and its replacement with a slightly larger detached flat roofed granny annex. It is common ground between the parties to this appeal that this part of the proposal, as well as the conversion of the rear part of the existing garage to living space and the proposed works to the existing garden structure, would not result in any significant harm to the character and appearance of the existing dwelling or that of the local area.
7. The proposed single storey rear extension would be built out from the existing rear extension towards the proposed granny annex. This would result in a relatively narrow gap between these two parts of the proposal. However, these would be within the context of the existing tall retaining wall between the appeal site and No.69. In this context the proposal would result in a more readable 'L' shape to the host dwelling and proposed extension and annex, substantially masking the imposing retaining wall to No.69.
8. Whilst the proposed extension would result in a loss of part of the existing rear garden, its scale and concomitant loss of garden would not be so great that the garden would appear to have been encroached on, or that the host dwelling would appear cramped on its site. Rather, this part of the proposal, would appear proportionate and subordinate to the host dwelling and garden. When considered as a whole, the proposal would, therefore, appear as subservient to the host dwelling.
9. Given the flat roofs of the proposed extension and granny annex and their location at the rear and adjacent to the retaining wall with No.69, they would not present prominent additions to the host dwelling. They would also have a limited presence in views of the rear of the appeal property from surrounding houses and gardens, and would, therefore, appear as being in scale with and complimentary to the existing local scene.
10. For these reasons, the proposed development would not result in any significant harm to the character and appearance of the host dwelling or that of the local area.

Conditions

11. Along with the standard condition relating to the timing of implementation, I have attached conditions to ensure design quality, which require compliance with the approved drawings and that materials used for the proposal match those of the host dwelling. To protect privacy, I have also imposed a condition relating to the glazing to the bathroom and toilet windows of the granny annex.
12. To avoid the establishment of an additional independent dwelling and concomitant over-intensive use of the site, I have imposed a condition requiring use of the granny annex for purposes ancillary to the residential use of the host dwelling.
13. I have had regard to the Council's suggested condition relating to the restriction of potential use of the roof of the extension as a balcony or roof garden. However I find this would not be directly related to the proposal and/or would potentially limit permitted development rights, for which there are no exceptional reasons.

Conclusion

14. The appeal is allowed.

Victor Callister

INSPECTOR