



Appeal Decision

Site visit made on 3 February 2023

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

an Inspector appointed by the Secretary of State

Decision date: 28th February 2023

Appeal Ref: APP/D5120/D/22/3312354

1 Garden Avenue, Bexley, Bexleyheath DA7 4LH

- 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 Dan Thorne against the decision of The London Borough of Bexley Council.
 - The application Ref 22/01818/FUL, dated 14 July 2022, was refused by notice dated 14 October 2022.
 - The development proposed is a two storey side and rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the description of development varies between documents submitted for the purpose of this appeal, I have used the one from the Council's decision notice, as this most accurately and concisely describes the proposal and has been used by the appellant for their statement.

Main Issue

3. The main issue is the effect on the living conditions of neighbouring residential occupiers, with reference to outlook.

Reasons

4. The appeal dwelling is a two storey semi-detached house with a detached garage and good sized front and rear gardens. It is located in a predominantly residential area made up of similarly scaled semi-detached properties. Whilst the proposed two storey side extension would integrate with the hipped roof of the appeal dwelling, the proposed part one/part two storey rear extension would have flat roofs.
5. The first storey part of the proposed rear extension would be substantially set back from the rear wall of its ground floor element of the proposal. The first storey part of the rear extension would also be set well in from the boundary of the appeal dwelling with its semi-detached pair at 3 Garden Avenue (No.3). However, the ground floor element of the proposed rear extension would only be set in approximately 0.257 metres from the boundary between this semi-detached pair. The single storey part of the proposed rear extension would extend approximately 3 metres beyond the existing conservatory at

- the rear of the appeal dwelling, which extends approximately 3.14 metres beyond the main rear wall of the appeal dwelling, which would be removed to accommodate the proposal.
6. This would result in a single storey flank wall in excess of 6 metres in length and approximately 2.6 metres in height, being located adjacent to the boundary between the semi-detached pair. Along this boundary are existing conifers and a tall fence between the properties, which would only partially, and potentially temporarily, screen some of the proposal when viewed from No.3.
 7. However, I find that the height and depth of the single storey element of the proposed extension and the proximity to No.3, would result in the proposed rear extension being intrusive and overbearing. This would be experienced as oppressive by the occupiers of No.3 when viewed from the ground floor rear of this neighbouring property. This would cause significant harm to the living conditions of the neighbouring residential occupiers.
 8. The appellant has indicated that they consider the permitted development¹ of a 2 metre tall brick built boundary wall and a 3 metre deep single storey extension with 3 metres height to its eaves, which would replace the existing conservatory, to be a comparable fallback position as an alternative to the proposal.
 9. However, the permitted development described would not provide the same amount of living space as the proposal. Further, due to the reduced scale and extent of an extension under permitted development regulations, it would not result in the same unacceptable level of enclosure and concomitant harm to the living conditions of the occupiers at No.3 as the proposal.
 10. I find, therefore, that the permitted developments set out by the appellant, do not form a less favourable fallback position than the proposal. The permitted developments would, therefore, comprise a preferable alternative.
 11. For these reasons, I find that proposal would cause unacceptable harm to the living conditions of neighbouring occupiers at No.3. As such it would be contrary to the Council's Design and Development Control Guidelines 2, as appended to the Bexley Unitary Development Plan (2004) (the UDP), policies ENV39, H9 of the UDP, policy D3 of the London Plan (2021) and section 12 of the National Planning Policy Framework (2021). These collectively seek to ensure that developments, including extensions, maintain a high standard of amenity for neighbouring residential occupiers.

Conclusion

12. The appeal is dismissed.

Victor Callister

INSPECTOR

¹ The Town and Country Planning (General Permitted Development etc.) (England) Order 2015 (as amended)