



Appeal Decision

Site visit made on 10 February 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Appeal Ref: APP/D5120/D/22/3309480

5 Coote Road, Bexley, Bexleyheath DA7 4PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Penetta against the decision of London Borough of Bexley.
 - The application Ref 22/01861/GPDE, dated 19 July 2022, was refused by notice dated 30 August 2022.
 - The development proposed is described as a single storey rear extension proposed material used will be to match existing house material.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension proposed material used will be to match existing house material at 5 Coote Road, Bexley, Bexleyheath DA7 4PR in accordance with the application 22/01861/GPDE made on 19 July 2022, and the details submitted with it including plan nos. FPA101184-01-C and FPA101184-02-C, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4(7) to Part 1 states that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

Background and Main Issue

5. An objection to the proposed development was received from the owner or occupier of an adjoining premises. As a result, the prior approval of the local planning authority was required. Prior approval was refused due to the effect of the proposed development on the amenities of both adjoining properties.
6. The main issue is therefore whether or not prior approval should be granted having regard to the effect of the proposed development on the amenity of the adjoining premises.

Reasons

7. The appeal property is a two-storey terraced dwelling in a street of similar properties, many of which have been extended or altered. The property has an existing single storey rear extension that runs along the boundary with no. 3 Coote Road but is set in from the boundary with no. 7 Coote Road. No. 9 Coote Road also has a single storey rear extension that spans the width of the property. There is a relatively high boundary treatment to each side of the rear garden.
8. The proposed extension would replace the existing single storey rear extension. It would project 4m from the rear of the dwelling and span the width of the appeal property. It would be 2.4m high at either side, rising to 3.2m high to accommodate a roof lantern.
9. In terms of the impact on the amenity of no. 3 Coote Road, the proposed extension would project only slightly further from the rear of the property than the existing extension it would replace. It would not be significantly greater in height than the existing boundary fence. In terms of the impact on the amenity of no. 7 Coote Road, although the existing extension does not project along this side of the property, the proposed extension would have a similar impact to that experienced at no. 3 Coote Road, whereby the side elevation would not be significantly greater in height than the existing fence. I therefore find that there would not be an unacceptable impact in terms of outlook on either property.
10. At the rear, both properties adjoining the appeal site face a north-easterly direction. Therefore, whilst there may be some loss of daylight and sunlight as a result of the development, it would be a minor amount and would not cause an unacceptable impact.
11. The Council's Officer Report refers to the proposed development being contrary to the Council's Design and Development Control Guidelines which state that a depth of 3.5m on a boundary is normally considered the maximum that would be acceptable.
12. The principle of the development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the Council's Design and Development Control Guidelines only in so far as they are a material consideration relevant to matters of amenity.
13. I acknowledge the objection received to the proposed development. I have considered the impact on light above and the existence of trees in the rear garden does not alter my view as it relates to the impact of the proposed

development. Comments relating to a power cable being located on the opposite side of the boundary, or that the appellant has not spoken to the adjoining occupier about the proposed development, would not be reasons to dismiss the appeal and are of limited weight.

14. Due to the overall size, scale and siting of the proposed development, having regard to the existing extension, the existing boundary treatment and similar extensions to nearby properties, and despite minor conflict with the Council's Design and Development Control Guidelines, I conclude that the proposed development would not have an unacceptable impact on the amenity of any adjoining premises. The development therefore meets the necessary requirements of the Order.

Conditions

15. Prior approval is granted subject to the standard conditions as imposed by paragraphs A.3 and A.4 of the Order. These require, amongst other things, that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, and that the development is carried out in accordance with the approved details.

Conclusion

16. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR