



Appeal Decision

Site visit made on 3 May 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2023

Appeal Ref: APP/D5120/W/22/3303989

159 Maylands Drive, Bexley, Sidcup DA14 4RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Damian McGrath against the decision of the Council of the London Borough of Bexley.
 - The application Ref 22/00522/FUL, dated 1 March 2022, was approved on 4 May 2022 and planning permission was granted subject to conditions.
 - The development permitted is a single storey side and rear extension, new front canopy and alterations to front driveway.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall only be carried out in accordance with the following approved plans and documents: Plans: 159-MAYLANDS-DRIVE-01 REV.B; 159-MAYLANDS-DRIVE-02 REV.C.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of good planning.*
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site inspection I saw that works had commenced on the extensions the subject of the above planning permission.
3. The Council has advised that since their decision to approve planning permission for this development, they have adopted the Bexley Local Plan, adopted April 2023 (BLP) that has superseded the previous development plan. The Council have advised of the relevant new policies of the BLP in relation to this appeal, and the appellant has provided comments on them. Consequently, the appeal has been determined on this basis.

Background and Main Issue

4. The appellant was granted planning permission for extensions to the appeal property, part of which included a single storey rear extension that had a flat roof hidden by parapet walls. The height of the parapet walls was reduced in height to 3.1 metres during the consideration of the planning application, at the request of the Council. The appellant now wishes to vary condition 2 to revert to the original plan with the rear parapet walls at a height of 3.35 metres. The Council, in their Appeal Statement, have explained the height reduction was required to protect the living conditions of the occupiers of the adjoining property.

5. Accordingly, the main issue is the effect of the higher parapet walls upon the living conditions of the occupiers of the adjoining property, No. 157 Maylands Drive, with particular regard to outlook.

Reasons

6. No. 159 Maylands Drive is a semi-detached dwelling located within an established residential area, characterised by similar semi-detached properties.
7. The adjoining semi, No. 157, has much of its rear garden separated from the appeal property by a tall fence. It is not extended to its rear side, and at ground floor level has double glazed doors with a window to either side, very near to the boundary with the appeal property.
8. The proposal features a blank wall directly abutting the rear boundary with No. 157. The approved extension is said to extend 3.5 metres beyond the rear elevations of this matching pair of semi-detached properties and would be very close to No.157's aforementioned rear glazed doors and windows.
9. Although only an increase of 0.25 metres above the height of the approved parapet walls, this additional height, together with the extension's projection beyond the existing rear elevation, and with it being so close to both the boundary of No. 157 and its glazed openings, the proposal would make the rear extension harmfully enclosing and a dominant feature on the party boundary. This would adversely affect the outlook for the occupiers of the adjoining property, particularly from out of their glazed doors and windows nearest to it.
10. I therefore conclude, that this proposal to vary condition 2 by raising the height of the rear parapet walls would be harmful to the outlook and living conditions for the occupiers of No. 157 Maylands Drive, in conflict with Policy DP11 of the BLP which amongst other things requires that existing properties have an appropriate level of amenity, in particular an appropriate level of outlook. For the same reasons the proposal is also contrary to paragraph 130 the National Planning Policy Framework, which amongst other things requires a high standard of amenity for existing and future users. The proposal would also be inconsistent with paragraph 2.3.2 (1) of the Council of the London Borough of Bexley's Design and Development Control Guidelines 2- Extensions to Houses, that seeks to ensure the height of rear single storey extensions on the boundaries to adjoining properties does not exceed 3.1 metres.

Other Matters

11. The appellant has stated that the approved lower parapet wall height will result in the ceiling of the rear single storey extension being lower than that in the existing house. Be that as it may, this does not outweigh the identified harm.
12. It has been stated by the appellant that a parapet wall is the best design solution and would be more in keeping with the locality, whereas a flat roof would have an untidy finish. However, both the approved and proposed plans feature parapet walls to disguise the flat roof and roof lanterns. I am not persuaded that a higher parapet wall height would be a better design in this case or improve the appearance of the rear extension. Consequently, these points do not outweigh the harm identified above.

13. I note that there have been no objections raised from neighbouring occupiers, however this is a neutral factor that does not weigh in favour or against the proposal.

Conclusion

14. The proposal conflicts with the development plan taken as a whole and there are no other considerations, including the Framework that indicate a decision should be made other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR