



Appeal Decision

Site visit made on 18 May 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 JULY 2023

Appeal Ref: APP/D5120/D/22/3308926

2 Hurlingham Road, Bexley, Bexleyheath DA7 5PF

- 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 Ms Katherine Mattia against the decision of London Borough of Bexley.
 - The application Ref 22/02117/GPDE, dated 17 August 2022, was refused by notice dated 22 September 2022.
 - The development proposed is a single storey rear extension.
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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 at 2 Hurlingham Road, Bexley, Bexleyheath DA7 5PF in accordance with the application 22/02117/GPDE made on 17 August 2022 and the details submitted with it including plan nos. Existing Block Plan, Proposed Block Plan, 110722/2, 110722/7, 110722/3, 110722/1, 110722/6, 110722/5, 110722/4 and Site Location Plan, 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.

5. The principle of the development is established by the Order, and the provisions therein do not require regard be had to the development plan.

Background and Main Issue

6. 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 the adjoining property, no. 4 Hurlingham Road, with particular regard to outlook.
7. 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, with particular regard to outlook.

Reasons

8. The appeal property is a two-storey semi-detached dwelling in a street of similar properties, many of which have been extended or altered, including through the addition of single storey rear extensions.
9. The proposed extension would project 5m from the rear of the property. It would have a flat roof and a maximum height of 3m. It would run along the boundary with no. 4 Hurlingham Road. There is an existing high-level fence between the properties that drops to a lower height at approximately the mid-point of the existing patio.
10. When viewed from no. 4 Hurlingham Road, the proposed extension would be visible above the existing fences, however much of it would be screened. The proposed flat roof would mean that, when considered against the higher fence, only around 1m of the extension would be visible above the existing boundary treatments when viewed from no. 4 Hurlingham Road. There is also a reasonable amount of landscaping on the boundary that would contribute to screening the development. The use of a light-coloured render to match that of the existing dwelling, would also contribute to reducing any dominance or overbearingness.
11. I find that given the relatively small amount of the extension that would be visible, combined with its design and materials, there would not be an overly dominant effect or the creation of an unreasonable sense of enclosure or an unreasonable loss of outlook for the occupiers of no. 4 Hurlingham Road.
12. The Council have not referred to any harmful impact that would be caused to the amenity of any other surrounding residential properties. Due to the size, scale and siting of the proposed extension, I have no reason to form a different view.
13. 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.

Other Matters

14. I note that representations received refer to potential loss of light and that the proposed development would exceed the 45-degree rule.

15. On the matter of light, the proposed development would sit to the north of the adjoining property. Due to this orientation combined with the height of the extension, the loss of light would be minor and not to an unacceptable level.
16. I am not aware of the significance of the '45-degree rule' as it relates to this appeal in this authority. Even if the proposed development would breach a 45-degree line when measured from the window of the neighbouring property, I have not found that there would be unacceptable harm to amenity.

Conditions

17. 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

18. 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