



Appeal Decision

Site visit made on 19 July 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2023.

Appeal Ref: APP/D5120/D/23/3321397

3 Swaylands Road, Belvedere, Bexley DA17 6LS

- 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 Kumar against the decision of the Council of the London Borough of Bexley.
- The application Ref 23/00119/FUL, dated 17 January 2023, was refused by notice dated 15 March 2023.
- The development proposed is described in the application form as rear ground floor extension infill as shown on proposed block plan total area 4.23 square metres.

Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. The Bexley Local Plan (the Local Plan) was adopted in April 2023. The Unitary Development Plan (2004), referred to by the Council in their decision notice, is now superseded by the adoption of the Local Plan. The Council has provided a list of the Local Plan policies that are relevant to the appeal. Both parties have had an opportunity to comment on this change. I have therefore disregarded the superseded policies and guidelines.
3. In the banner heading above, I have used the description of the development from the application form, omitting any superfluous text and with minor amendments for clarity only. At the time of my site visit, I could see that work had commenced on site albeit was unfinished. The appeal is therefore being considered retrospectively.
4. The evidence before me indicates that prior approval was granted in June 2022¹ for a single storey extension projecting 6 metres beyond the rear wall of the original dwellinghouse. The following month, planning permission was granted² for demolition of existing garage and erection of part one/part two storey side and rear extension, incorporating front porch, and a garden shed in the rear garden.
5. The Council contend that the development on site is partly an amalgamation of these two permissions, which have been built out concurrently. The appellant does not appear to dispute this.
6. However, the prior approval granted in 2022 was subject to the provisions of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended. This sets out

¹ Council Ref 22/01007/GPDE

² Council Ref 22/01335/FUL

limitations and conditions that apply to this type of permission, in addition to the requirement for prior approval.

7. The GPDO clarifies that such development is not permitted if any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j) of Part 1 Class A.
8. It is clear from the evidence before me that the total enlargement of the dwelling exceeds these limits. As the development was built concurrently, no part of it would have benefitted from the provisions of the GPDO, irrespective of the outcome of the earlier prior approval application.
9. Additionally, the approved plans before me pursuant to planning permission ref 22/01335/FUL show a 3.5 metre single storey rear extension. This therefore did not grant consent for a 6-metre single storey rear extension.
10. The plans before me in respect of this appeal include the totality of the development contained within the 2022 applications, in addition to the rear ground floor extension "infill" referred to in the application form description. The extent of this element is not clearly distinguished from the remainder of the development on the proposed plans. Moreover, based on my observations on site, it is an integral part of the development which is not physically or functionally severable from the rest.
11. Notwithstanding the description contained within the application form, I have therefore had regard to the totality of the 6-metre single storey rear extension shown on the proposed plans in my determination of this appeal.
12. I observed several discrepancies between what has been constructed on site and the proposed plans. These include prominent parapet walls to both sides of the single storey extension and a large roof overhang / canopy at the rear that are not reflected in the proposed elevation drawings. For the avoidance of doubt, I have determined the appeal based on the proposed plans before me.

Main Issue

13. The main issue is the effect of the development on the living conditions of the occupiers of 1 Swaylands Road, with particular regard to outlook.

Reasons

14. The appeal property and adjoining dwelling at No 1 are a pair of semi-detached houses. No 1 has not been extended to the rear, albeit features a very modest single storey rear offshoot serving a kitchen set away from the shared boundary with the appeal site. Adjacent to the shared boundary, it features a set of glazed sliding doors, serving an open plan living / dining room area. The only other opening in the ground floor rear elevation is the glazed kitchen door. The glazed sliding doors open onto a small patio area.
15. The single storey rear extension extends a considerable distance immediately along the shared boundary from the rear wall of No 1. The proposed plans show a flat roof design without a parapet, albeit the blank wall immediately along the boundary would remain of significant height along its full length, and appreciably higher than No 1's glazed sliding doors.

16. Due to the single storey rear extension's size and proximity, I find that it would dominate views from the ground floor glazed sliding doors in the rear of No 1. This would have a harmful overbearing and enclosing effect on the outlook from the room they serve, and the associated patio area. Given occupiers of No 1 are likely to spend considerable time in these spaces, this would be detrimental to their living conditions.
17. I recognise that No 1 would retain a somewhat open outlook towards the south and west due to the separation provided by the adjacent access road. However, this would not outweigh the identified harm to outlook overall.
18. I therefore conclude that the development would harm the living conditions of the occupiers of 1 Swaylands Road, with particular regard to outlook. It would therefore be contrary to Policies DP11 and SP5 of the Local Plan. These policies, among other provisions, seek to ensure development is of a high-quality design that contributes positively to the local environment, considers the relationships between buildings and spaces, ensures appropriate levels of outlook and appropriately protects existing properties' amenity.

Other Matters

19. I recognise that other properties in the immediate vicinity may have been extended and altered, however this does not provide justification for the identified harm in this instance.
20. Additionally, the appellant contends that No 1 previously featured a single storey rear extension. However, I must determine the appeal based on the current circumstances. This would not therefore lead me to a different conclusion on the main issue.
21. While I have not identified any harm or development plan conflict other than that set out above, the absence of harm or development plan conflict in respect of other relevant matters is neutral and weighs neither for nor against the proposal.

Conclusion

22. I find that the proposal would be contrary to the development plan, taken as a whole. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR