



Appeal Decision

Site visit made on 18 July 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2023

Appeal Ref: APP/D5120/D/23/3322426
72 Murchison Avenue, Bexley DA5 3LJ

- 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 Tom Ashford against the decision of the Council of the London Borough of Bexley.
 - The application Ref 23/00244/FUL, dated 31 January 2023, was refused by notice dated 19 April 2023.
 - The development proposed is a part one-, part two-storey rear extension and alterations to roof including insertion of 2 roof lights to side roof slope.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted the new 2023 Bexley Local Plan ("the BLP") on 26 April 2023. At the same time the 2012 Bexley Core Strategy ("the BCS") and the remaining saved policies of the 2004 Bexley Unitary Development Plan ("the UDP") were withdrawn. All three development plan documents were referred to in the Council's decision notice, but following the withdrawal of the UDP and the BCS, my reasons only refer to the relevant policies of the BLP.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - Living conditions for the occupiers of the neighbouring property No 70 Murchison Avenue, with particular regard to whether the first-floor extension would be overbearing, oppressive, or would create an unacceptable sense of enclosure.

Reasons

Character and appearance

4. No 72 Murchison Avenue is a two-storey dwelling at the end of a short block of four houses. The wider area is mainly residential, and predominantly consists of similar houses to the appeal property, arranged as semi-detached pairs or in terraces of four. The proposed development is the erection of a two-storey rear extension; the ground floor part would extend approximately 6m beyond the

existing rear elevation, while the first-floor level would be approximately 3.5m deep.

5. The proposed extension would span almost the full width of No 72; it would therefore be a very substantial and cumbersome addition to the property. I saw that there are existing two-storey extensions to No 66 Murchison Avenue, the appeal property's "twin" at the other end of the same block, and to No 74 next door. However, both of these appear to be less bulky than the appeal proposal; that at No 66 is not as deep at ground floor level, and both are considerably less wide at first-floor level. The greater massing of this scheme would have an unbalancing effect on the rear of the terrace of four houses, which would be seen not only from the rear gardens of neighbouring properties but also from within Selborne Avenue, from where the backs of some of the houses on Murchison Avenue are visible. While public viewpoints would only offer glimpses of the extension, its size and scale would cause some harm to the character and appearance of the area.
6. The proposed development would therefore conflict with Policy DP11 of the BLP which, among other things, seeks to ensure that the layout, height, scale and massing of development complements the surrounding area.

Living conditions

7. The proposed extension would be built close to, although not totally up to, the boundary with No 70. The combination of the depth of the rear extension and its height, particularly at first-floor level, would present a dominating and oppressive wall alongside the rear rooms and windows (including the ground-floor conservatory) of No 70, which would be detrimental to living conditions for the occupiers of that property. I have no reason to doubt the appellant's assertion that the current residents of No 70 have no objection to the proposal; however, the extension and its harmful effects would be likely to endure long after the occupiers of both Nos 70 and 72 have moved on.
8. The nearest window to the appeal property at the rear of No 70 serves a bathroom; the rear bedroom is on the far side from No 72. The Council's officer report noted that "the first-floor extension [would respect] a 45-degree angle when measured from the nearest habitable window of No 70" and, while I have not been directed towards any guidance setting out this "45 degree rule", it is a commonly-used and understood means of quickly assessing the impact of an extension on neighbouring room. I agree with the Council's assessment in respect of the first-floor, but this does not outweigh the other harm which I have found.
9. The proposed development would therefore conflict with Policy DP11 of the BLP, and with Policy D4 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development is well-designed, and that the amenity of existing properties is protected.

Other Matters

10. The appellant drew my attention to planning permission having been granted at Nos 87, 97, and 101 Murchison Avenue¹ for "double storey extensions located adjacent to the adjoining neighbour's boundary at the rear". I do not know the full details of those schemes and I was not able to view them at during my site

¹ LPA Refs 17/03046/FUL, 95/0815/FUL, and 01/02354/FUL respectively

visit. However, there is nothing before me which demonstrates that they are directly comparable to the proposal before me, and I have reached my conclusion based on the planning merits of this particular scheme.

Conclusion

11. The proposed development would not be harmful to the character and appearance of the area, and to living conditions for the occupiers of the neighbouring property. The development therefore conflicts with the development plan taken as a whole.
12. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector