



Appeal Decision

Site visit made on 28 November 2023

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/D5120/D/23/3326175

6 Henfield Close, BEXLEY, DA5 1QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under 73A of the Town and Country Planning Act 1990 for development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Makinde against the decision of the London Borough of Bexley.
 - The application Ref 23/01124/FUL, dated 17 May 2023, was refused by notice dated 12 July 2023.
 - This application sought planning permission for Two storey side extension and front porch. Part two and part single storey rear extensions. Loft conversion with rear dormer window and roof lights without complying with conditions attached to planning permission Ref 21/03369/FUL, dated 23 March 2022.
 - The conditions in dispute are Nos 2 and 3 which state that:
 2. The development hereby permitted shall only be carried in accordance with the following approved plans and documents: Plans: 01, 02, 03,04, 05, 06, 07, 08 and 09, received on 23/03/2022.
 3. A. The materials to be used for the external surfaces of the extension hereby permitted shall be similar in appearance to those used in the existing building. B. All new works and works of making good to the retained fabric shall be finished to match the adjacent work unless the prior written approval of the Local Planning Authority is obtained to any variation, (or except where otherwise stated on the approved drawings.)
 - The reasons given for the conditions are:
 2. For the avoidance of doubt and in the interests of good planning.
 3. To ensure the satisfactory external appearance of the development
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and front porch, part two and part single storey rear extensions, loft conversion with rear dormer window and roof lights at 6 Henfield Close, Bexley, DA5 1QE in accordance with the application Ref 23/01124/FUL made on the 17 May 2023 without complying with conditions No 2 and 3 which have been successfully appealed against, but otherwise subject to the following conditions: -
 - a) The development hereby permitted shall only be carried out in accordance with the following approved plans and documents: Plans: 01, 02, 03, 04 Rev 01, 05, 06 Rev 01, 07, 08 and 09, received on 18/05/2023.
 - b) A. The materials to be used for the external surfaces of the extension hereby permitted shall be similar in appearance to those used in the existing building.

- B. All new works and works of making good to the retained fabric shall be finished to match the adjacent work unless the prior written approval of the Local Planning Authority is obtained to any variation, (or except where otherwise stated on the approved drawings.) C. Light grey render shall be used to the side and rear elevations to replace brick finish.
- c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), no further windows, other than those shown in the approved plans, shall be formed in the side elevations of the dwelling.
- d) The first floor windows in the side elevation of the extension hereby approved shall be fitted with glass that has been obscured in the manufacturing process to Pilkington level 3 or higher (or equivalent) and shall be permanently fixed non-openable below a height of 1.7m above the finished floor level of the room(s) they serve, and shall thereafter be maintained as such. The obscured glazing shall be an integral part of the manufacturing process and not a modification or addition made at a later time, such as a film adhered to the glass. The windows shall thereafter be retained as such.

Background and Main Issue

2. The proposal is to replace two roof lights on the north facing side roof slope with two dormer windows, increase the width of the first floor rear element of the extension, make various alteration to fenestration and change the materials. To facilitate this the proposal seeks to vary condition 2 that relates to the approved plans and condition 3 that pertains to materials. However, it is clear from the Council's decision notice and officer report that the Council's concern relates solely to the proposed two dormer side windows that would replace two approved roof lights. This matter relates to condition 2 only.
3. The planning application form indicates that the original development has been started and building works were underway at the appeal site at the time of my visit. I could see that two dormer windows have been inserted within the side roof slope. However, it is not clear whether they fully accord with those illustrated within the proposal details. I have therefore considered the proposal on the basis of the plans that are before me.
4. The main issue is the effect of varying condition 2 to allow for the insertion of two dormer windows within the side roof slope would have on the character and appearance of the host property.

Reasons

5. The Council draws attention to its Design and Development Control Guidelines 2 that advocates roof extensions to, if possible, have dormer windows facing the rear with dormers on the hipped side of a pitched roof being avoided.
6. The dormers would be of modest scale with only the side elevation of the front most dormer visible at the front of the property. Given the modest size and scale of the dormer roof additions, they would have limited visual impact upon the character and appearance of the host property. Furthermore, the proposed dormer windows would be situated within the side roof slope that is orientated at an angle away from Henfield Close. As such, they would not be prominently

visible in views from Henfield Close. Consequently, for these reasons the dormer windows would not be visually harmful.

7. Other properties in Henfield Close retain undisrupted side roof slopes and the Council is concerned that allowing this proposal may set a precedent for other dormer extensions in the area. Each proposal is required to be considered on its own merits given the individual circumstances that will apply.
8. For these reasons, I conclude that the proposed variation of condition 2 would not have a harmful effect upon the character and appearance of the host property. As such, the proposal would not materially conflict with Policy DP11 of the Bexley Local Plan that requires, amongst other matters, development to be of high quality design. I acknowledge that the Design and Development Control Guidelines 2 seeks dormers on the hipped side of a pitched roof to be avoided. However, given the specific circumstances of this case I have found the side roof dormers to be acceptable.

Conditions

9. As the development has already commenced there is no requirement to reimpose the timeframe for commencement of development condition. In order to avoid doubt an approved plan list should be made a condition of this permission but updated to reflect the plans hereby approved. The wording of condition 3 should be amended to include the use of render at the side and rear elevations.
10. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission. Therefore, I have reimposed conditions 4 and 5 as set out within the original planning permission.

Conclusion

11. The appeal is allowed and planning permission is granted for a two storey side extension and front porch, part two and part single storey rear extensions, loft conversion with rear dormer window and roof lights without compliance with the conditions previously imposed and subject to those conditions set out above.

Nicola Davies

INSPECTOR