

Appeal Decision

Site visit made on 22 April 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/D5120/D/24/3336293

1 Olyffe Avenue, Welling, Kent DA16 3HZ

- 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 Podlejski against the decision of the London Borough of Bexley Council.
 - The application Ref 23/02088/FUL, dated 23 August 2023, was refused by notice dated 16 October 2023.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the 'Framework') was published in December 2023, but there are no material changes relevant to the substance of the appeal.
3. The description of the proposal set out within the submitted planning application forms is very detailed and in the interests of brevity I have adopted that used by the Council as highlighted in the banner heading above. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of 3 Olyffe Avenue and 101 Lovel Avenue, with specific reference to outlook.

Reasons

5. The appeal site comprises a semi-detached house located within a triangular shaped site with a shallow rear garden that abuts the side (western) rear garden boundary of 3 Olyffe Avenue. There exists a timber shed located to the rear of the host dwelling and which spans almost for the full length of the aforementioned boundary and is in quite close proximity to it. Consequently, I consider that the outlook from the rear of no3 and its garden would not be materially different from that currently experienced by its occupants.
6. The same shed is located towards the end of the appeal site's north western boundary shared with 101 Lovel Avenue with a gap between that and a lower

metal shed located adjacent to the rear elevation of no1. These curtail the outlook from the closest habitable room window on no101 at ground floor level to some degree, although views through into the neighbouring garden are facilitated by the presence of a low timber fence with trellis over.

7. The proposal would increase built form in close proximity to the rear of no101 such that the outlook therefrom would be far more severely curtailed. Consequently I cannot agree that the visual presence of built forms at the boundary would not create a new or fresh feature as the situation would be materially different; and notwithstanding its single storey built form and flat roof profile, at the depth proposed it would significantly exceed the 3.5m advocated within the Council's Design Guidance as a maximum depth from the rear of a property.
8. Consequently I find that by reason of its depth and positioning along the whole length of the shared boundary with 101 Lovel Avenue that the proposal would give rise to a demonstrable loss of outlook and consequent sense of enclosure to neighbouring occupants, contrary to Policies SP5 and DP11 of the Bexley Local Plan (2023) which seek to ensure place making through good design and that appropriate levels of outlook are provided and ensuring existing property's amenities are appropriately protected.

Conclusion

9. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR