



Appeal Decision

Site visit made on 14 November 2023 by N Manley BA (Hons)

Decision by S Edwards BA MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/D5120/D/23/3325137

52 Gilbert Road, Bexley, Belvedere DA17 5DA

- 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 Mrs Joanna Archer against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 23/00588/FUL.
 - The development proposed is for a Single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for Single storey rear extension at 52 Gilbert Road, Bexley, Belvedere DA17 5DA in accordance with the terms of the application, Ref 23/00588/FUL, dated 15 March 2023, and the plans submitted with it, subject to the following conditions:
 - 1)The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2)The development hereby permitted shall be carried out in accordance with the approved plans: DWG No 1006 Rev-01, DWG No 2004 Rev-01, DWG No 4007 Rev-00, DWG No 4008 Rev-00.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published a revision of the National Planning Policy Framework (the Framework) in December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

4. The description of development as detailed on the application form has been amended in subsequent documents. I have adopted the description used on the appeal form, which concisely reflects the proposal before me.

Main Issues

5. The main issues are the effect of the proposal on:
 - The character and appearance of the host property and the surrounding area, and
 - The impact upon the living conditions of the occupiers of 50 (no 50) and 54 (no 54) Gilbert Road, with particular regard to outlook and light.

Reasons for the Recommendation

Character and Appearance

6. No 52 Gilbert Road (no 52) is a two-storey dwellinghouse set within a substantially long north facing rear garden, located alongside a suburban residential road predominately characterised by terraced housing. Whilst varying in age, the nearby properties share a similar appearance and scale, which provides the area with a consistent pattern of development.
7. The proposed depth of the extension would extend across the entire width of the property and create a rear projection which would be significantly greater than the maximum guideline recommended by the Council's Design and Development Control Guideline 2 of the Unitary Development Plan (2004). The depth of the proposal would appear excessive when contrasted against the modest scale of the host property and wider terrace. Consequently, as a result of its scale, the extension would appear as a dominant addition. The appellant has suggested rear extensions are a common feature on the street. However, my observations from the appeal site did not reveal any comparable extensions in terms of scale and mass among the visible terraced properties.
8. For the reasons above I find the proposal would fail to be subservient and would cause some harm to the character and appearance of the host property and the surrounding area. Therefore, it would conflict with Policy DP11 of Bexley Local Plan (2023) and the Design and Development Control Guidelines (DDCG). Amongst other things, these require proposals to ensure the scale and massing are complimentary to the surrounding area and should be subordinate to the existing building.

Living Conditions – outlook and light

9. No 54 and no 50 are located to the west and east of the appeal site respectively. Both form part of the wider terrace and have gardens of similar length to no 52.
10. The combined height, depth and width of the proposal would create a noticeably prominent structure in terms of both scale and mass. Given its close proximity to the gardens of the adjacent properties, this would lead to a sense of enclosure, which would appear overbearing and harm the outlook from the ground floor rear facing windows of nos 50 and 54 in particular. Whilst the comments made by the appellant regarding the size of the neighbouring gardens are noted, I also observed that the areas to the rear of nos 50 and 54 are laid out as patios. It is therefore likely that these neighbouring residents

use this part of their garden as an intrinsic part of their enjoyment of the dwellinghouse. As the proposed extension would sit within proximity to these areas, it would have a harmful impact on the living conditions of the occupiers of nos 50 and 54 when using the patios for outdoor recreation.

11. Limited evidence has been presented by the parties regarding loss of light. Nevertheless, the introduction of the proposed extension, coupled with the north facing aspect of the properties, would result in a reduction to the amount of daylight received by nos 50 and 54. The appellant agrees with the Council's assertion that there would be a slight degree of overshadowing for no 50 in the late evening and for no 54 in the morning. There are no reasons for me to disagree with this assessment.
12. It has been suggested that should the adjacent properties pursue their own extensions, the overshadowing effect from this proposal would become insignificant. However, I have been presented with no mechanism to give any certainty that these extensions would also be built and in any case, it does not outweigh any recognised harm.
13. In light of the above, the proposal would cause some harm to the living conditions of the occupiers of nos 50 and 54 and would be contrary to Policy DP11 of Bexley's Local Plan. The relevant section of this policy ensures development does not unacceptably affect residents or occupiers of neighbouring properties in terms of outlook and natural daylight.

Other considerations - Fallback position

14. In August 2022, the Council received a Prior Approval Application (Local Planning Authority Reference 22/01741/GPDE) for the erection of a large single storey rear extension. In the absence of any representations from neighbouring residents, the Council confirmed that Prior Approval was not required for the proposed extension. The Prior Approval extension is not as wide as the appeal proposal but is otherwise very similar. In these circumstances, there is a strong likelihood that this fallback development would be implemented if the appeal was dismissed, to which I ascribe considerable weight. Given that the differences between the Prior Approval extension and the appeal proposal are negligible, the likely construction of the fallback scheme is a material consideration which justifies determining the appeal other than in accordance with the development plan.

Conditions

15. In addition to the standard time limit, I shall impose a condition specifying the relevant drawings which the development must accord with, in the interests of certainty and to provide clarity. A condition regarding external materials is considered necessary to preserve the character and appearance of the locality.

Conclusion and Recommendation

16. Accordingly, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

17. The proposal would harm the character and appearance of the host dwelling and the area, as well as the living conditions of neighbouring residents, but the fallback position justifies the proposal in this instance. This is a material consideration that supports a decision other than in accordance with the development plan. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

S Edwards

INSPECTOR