
Appeal Decision

Site visit made on 25 July 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/D5120/D/24/3341054
264 Brook Street, Erith DA8 1DZ

- 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 C Graham against the decision of the Council of the London Borough of Bexley.
 - The application reference is 24/00043/FUL.
 - The development proposed is for erection of a single storey side/rear infill extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of 262 Brook Street with regard to loss of light and overbearing impact.

Reasons

3. The appeal site relates to a two-storey, mid-terrace house in a row of dwellings of broadly similar scale and design. The streetscene is predominantly residential in nature. The proposal is a single-storey rear addition that would infill the area between the existing kitchen and dining room, projecting outwards by approximately 5.85 metres from the rear wall of the main house and with its flank elevation lying on the boundary with 262 Brook Street.
4. The development would be substantially higher than the existing boundary fence. Taken together with the significant rearward projection and close proximity relative to the adjoining property, I consider that it would result in harm to the living conditions of the residents of no.262. It would be materially worse than the present situation, appearing oppressive and overbearing when viewed from the neighbour's facing door in the rear wall of the main house, and the window in the side wall of the ground floor outrigger.
5. The site location plan demonstrates that the development would be positioned to the north of no.262. The amount of light reaching the aforementioned door and window of the adjacent residence is already somewhat constrained by the location of the openings relative to the path of the sun, and to my mind the proposal would not exacerbate this.
6. The appellant has highlighted a number of other schemes approved by the Council for rear infill extensions in the neighbourhood, however I have not been provided with the full circumstances pertaining to these decisions. I also

appreciate that the aerial view of the wider terrace shown in the appellant's statement demonstrates other full-width extensions, however most of these are staggered in nature and as such are not comparable to the scheme before me. In any event, the presence of other development would be a neutral consideration in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.

7. I am aware that the property does not fall within any designated land, nor is it listed. Moreover, there are no concerns in regard to the character and appearance of the dwelling and the surrounds, and there have been no objections from local residents. Nonetheless, these matters do not outweigh the harm that I have identified above.
8. I note the appellants' contention that an extension could be constructed via a prior approval submission. Whilst this may be the case, I have not been provided with any details of an approved scheme in this regard, and such assertions therefore carry limited weight in my reasoning.
9. On this basis, whilst the proposal would not be harmful in respect of light, I conclude that an overbearing impact would result upon the living conditions of the occupants of 262 Brook Street. This would run contrary to Policies SP5 and DP11 of the Bexley Local Plan April 2023 and the Council's Design and Development Control Guidelines, which seek to ensure proposals do not materially harm amenity through loss of outlook.

Conclusion

10. Based on the previous arguments and all other factors advanced, the appeal is dismissed.

C Hall

INSPECTOR