



Appeal Decision

Site visit made on 10 October 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by A Price BSC MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/D5120/D/24/3342211

39 Cleveland Road, Bexley, Welling DA16 3JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J Gao against the decision of the Council of the London Borough of Bexley.
 - The application Ref. is 23/03343/GPDE.
 - The development proposed is described as a 4.95m single storey rear extension with a maximum height 3.739m.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for development described as a 4.95m single storey rear extension with a maximum height 3.739m at 39 Cleveland Road, Bexley, Welling DA16 in accordance with the application ref. 23/03343/GPDE, made on 11 December 2023, and the details submitted with it (including plans ref. Site Location Plan; 001; 002; and 003 Revision 1), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

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. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of any adjoining premises, taking

into account any representations received. The Council considers the proposal to comply with the limits set out within paragraphs A.1(a)-(l) of the GPDO and I see no reason to reach an alternative conclusion.

5. In light of the above, my assessment will be strictly limited to the effect of the proposal on the living conditions of adjoining premises.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of the occupiers of 37 Cleveland Road, with specific regard to outlook.

Reasons for the Recommendation

7. The appeal dwelling adjoins 37 Cleveland Road (No 37), a two-storey property of a similar scale. There is a large, covered area adjoining the rear of No 37, opening out onto an elongated garden providing an open aspect to the rear. A high fence and vegetation define the rear boundaries of No 37 with the adjoining properties, channelling the outlook from the rear of the dwelling down through the garden.
8. The proposal would be single storey, with its rear building line similar to that of the adjoining structure to the rear of No 37. The roof of that existing covered area is translucent and as such would not permit views of the proposal, which would project only modestly above the existing boundary treatment. As such, the proposed rear extension would be scarcely perceivable from within the covered area to the rear of No 37. Moreover, the otherwise open aspect towards the rear of the garden would be unaffected by the proposal, maintaining current outlook from the rear ground floor windows and covered area of No 37.
9. The Council has referred to the provisions of the Design and Development Control Guidelines Supplementary Planning Document (2004) (SPD), which recommends a maximum depth of 3.5 metres for a single-storey rear extension on the boundary with the adjoining property to avoid adversely affecting the living conditions of the neighbouring occupiers. Nevertheless, this measurement is guidance rather than policy and, in any event, conflicts with the permissible dimensions set out in Schedule 2, Part 1, Class A, paragraph A.1(g). Moreover, it does not take into account the existence of established neighbouring additions, such as that at No 37. Therefore, I do not consider the proposal's conflict with the guidance set out within the SPD, on its own, to be a determinative factor in this appeal.
10. Accordingly, I conclude that the proposed development would be acceptable in terms of its effect on the living conditions of the occupiers of No 37, with specific regard to outlook.
11. The Council has referred to Policy SP5 and SP11 of the Bexley Local Plan (2023) which relate to placemaking through good design and safeguarding land for transport schemes respectively, and not to the proposal's effect on the living conditions of adjoining premises. As such I find no conflict with these policies in this regard.

Other Matters

12. The Council has assessed the proposal against the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraphs A.1 and A.2 of the GPDO and found it to comply. Excluding No 37, the Council raise no concerns regarding the effect of the proposal on the living conditions of any other adjoining premises. I see no reason to take an alternative view on either of these matters.
13. The submitted plans do not show other works at the appeal site that I observed during my site visit. Nevertheless, my assessment is limited to the proposed rear extension.
14. Third party comments allege that the appeal property is being utilised as an HMO and a building within the rear garden as a self-contained dwelling. They raise further concerns regarding the lawfulness of works and structures at the appeal site. Nonetheless, as above, my assessment is based only on the proposals before me.
15. Any hypothetical future use of the proposal or its effect on the character and appearance of the area are not matters for my consideration in this appeal. Moreover, any disturbance during construction would be for a temporary period and would not amount to unacceptable effects on living conditions.

Conditions

16. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority. No further conditions are necessary.

Conclusion and Recommendation

17. The appeal scheme would, on the basis of the above, comply with the relevant provisions of the legislation under which it should be considered. For that reason, I recommend the appeal should be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

A Price

INSPECTOR