



Appeal Decision

Site visit made on 15 October 2024 by M Long BA(Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/D5120/D/24/3345672

207 Upton Road South, Bexley DA5 1RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Farhad Hossen against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/00930/FUL.
 - The development proposed is a two-storey side extension, ground floor rear extension with undercroft storage & front porch.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension, ground floor rear extension with undercroft storage & front porch at 207 Upton Road South, Bexley DA5 1RG in accordance with the terms of the application, Ref 24/00930/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: BL/DRG/3456/05 (Proposed Plans), BL/DRG/3456/06 (Proposed Elevations & Sections), BL/DRG/3456/07 (Existing & Proposed 3D Views) and BL/DRG/3456/02 (Existing & Proposed Site Plan 1-500).
 - 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the external surfaces of 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 Council's decision notice is specific that its concerns are in respect of 'the proposed staircase and raised patio' and that there would be 'an unacceptable impact in terms of overlooking and overshadowing'. However, the associated officer report suggests that the rear extension is also of concern including in terms of 'overbearing impact'. Furthermore, while the reasoning contained within the officer's report does not specifically refer to the living conditions of occupiers at 205 Upton Road South (No 205), the reason for refusal identifies harm to this neighbour. Given the ambiguity between the decision notice and

the officer report, the main issue is defined so as to take all these matters into account.

4. The Council has referred to its Design and Development Control Guideline 2 (DDCG2). While the copy provided refers to the Unitary Development Plan (2004), which has since been replaced by the Bexley Local Plan (2023), there is nothing before me to suggest that the DDCG2 has been replaced by any new guidance. Therefore, I have had regard to it as a material consideration.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of occupiers at 205 Upton Road South (No 205) and 209 Upton Road South (No 209) with particular regard to outlook, light and privacy.

Reasons for the Recommendation

6. The Council raise no concerns with regard to the side extension or front porch and based on my own observations I find no reason to come to a different view. Therefore, the following recommendation will focus on the effect of the rear elements of the proposal which include a single storey rear extension and staircase.
7. The semi-detached appeal property has a large rear garden which, similarly to the adjacent gardens at Nos 205 and 209, slopes down towards the rear. The attached neighbouring dwelling, No 205, has a single-storey rear extension with a large glazed opening that is set away from the appeal site. It also has another large, glazed opening to the ground floor rear elevation of the main house. This sits close to the shared boundary which angles away from the rear elevation of No 205. The semi-detached pair both have raised decking areas to the rear which are separated by a tall fence which sits along the boundary.
8. The footprint of the single-storey rear extension would align with the shared boundary, thereby angling away from the rear elevation of No 205. Its height would be limited by its flat roof design, and it would not have an excessive depth. Taking these factors into account, as well as the large sizes of the rear glazed openings at No 205, the proposal would be unlikely to result in an undue reduction of light within the rooms served by these openings, or to the neighbouring rear decking area. For similar reasons, the extension would also not unacceptably enclose the rear aspect of No 205 and a high-quality outlook for occupiers of this neighbouring dwelling would be retained onto the long rear garden serving No 205.
9. The house at No 209 is set away from the shared boundary with the site and is positioned at a lower land level. It also includes large, glazed openings to the rear elevation. Due to the uneven land levels, the single-storey rear extension would have an elevated position in relation to the rear of No 209. Nevertheless, due to its separation from the house at No 209, limited depth and its orientation to the north, it would be unlikely to significantly reduce the amount of light received by the rear facing windows or garden area at No 209. These factors together with the angled alignment of No 209's rear elevation facing down its garden would also ensure that the proposal would not have a material effect on outlook for occupiers of this neighbouring property.
10. Views of the rear gardens of Nos 205 and 209 would be possible from the proposed glazed openings of the rear extension and from the staircase.

However, these views would be similar to those which can be taken from the existing decking area and upper floor windows at the appeal site. The proposed rear openings would be angled away from the rear of No 209 and would be focused towards the more peripheral parts of the neighbouring gardens, rather than into neighbouring windows or the amenity spaces close to the neighbouring houses.

11. Furthermore, the proposed staircase would be in a very similar position to the existing staircase and so would not materially increase the potential for overlooking beyond the existing situation. A privacy screen would prevent direct views of the immediate rear of the dwelling at No 205. Furthermore, the single storey extension would restrict views from the staircase and landing area towards the rear elevation of No 209. In any event, a degree of mutual overlooking of rear gardens is an established part of the character of this suburban area.
12. The Council suggests that the proposal conflicts with the guidance at Paragraph 2.3.2 (Rear extensions) of the DDCG2 which sets out that on semi-detached and terraced houses, single storey extensions at the rear and on the boundary with the adjoining half of the property should not normally exceed 3.1 metres in height above the existing ground level. While the rear extension would have an elevated position above No 209, given it is not an adjoining semi, this guidance does not apply. Regarding the adjoining semi at No 205, the evidence before me indicates that the proposal complies with the guidance. In any case, for the reasons set out, the proposal would accord with the general principles of DDCG2 including that development should not adversely affect the privacy and amenity of adjoining properties including in terms of daylight and sunlight.
13. I conclude that the proposal would have an acceptable effect on the living conditions of occupiers at Nos 205 and 209 with particular regard to outlook, light and privacy. As such, it would accord with Policy DP11 (Achieving high-quality design) of the Bexley Local Plan (2023) which seeks to ensure that existing properties' amenity is appropriately protected.

Other Matters

14. While the proposal may be larger than some other extensions in the surrounding area, each scheme must be considered on its individual planning merits. Taking into account the site-specific factors described, the proposal in this instance would be acceptable.
15. Concerns have been raised in respect of the siting of the proposal up to the shared boundaries, with particular regard to preventing the potential construction of a neighbouring extension and to the location of boundary treatments and drainpipes. Notations included within the submitted drawing BL/DRG/3456/05 (Proposed Plans) indicate that no guttering, walls or foundations are to cross over shared boundaries and there is no compelling evidence before me to suggest that the proposal cannot be contained within the site boundaries. In any event, these matters fall outside the scope of this appeal process and if there was a dispute regarding the works and boundaries, this would be a private matter between the neighbours.
16. With regards to the third-party request for information on the finish of the wall facing their property, a condition requiring that external materials match the existing dwelling would ensure that appropriate materials are utilised.

Conditions

17. In addition to the standard time period for commencement, I recommend a condition to require that the development be carried out in accordance with the approved plans, which is necessary in the interests of certainty.
18. I also recommend the aforementioned external materials condition to ensure that the development positively relates to the character and appearance of the existing dwelling and its immediate surroundings.

Conclusion and Recommendation

19. The proposal would accord with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR