
Appeal Decision

Site visit made on 30 September 2025

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/D5120/W/25/3364377
94-96 Halfway Street, Sidcup DA15 8BZ

- 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 Mr & Mrs Hummel and Mr & Mrs Ferrao against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/02862/FUL.
 - The development proposed is boundary wall to replace damaged fence.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 94 and 96 Halfway Street with regard to outlook.

Reasons

3. The appeal site comprises two semi-detached houses, each with large ground-floor glazed doors with glazed panels above in the rear elevation. Both feature single-storey rear projections extending beyond these openings. A dilapidated fence and mature trees line the shared boundary. Views from the glazed doors are directed toward the rear garden, fencing, and the side wall of the rear projection.
4. Both main parties in their submissions refer to the height and depth measurements for rear extensions listed in the Council Design and Development Control Guidelines Supplementary Planning Document. I have not assessed the proposal against these measurements as the proposal is not for a rear extension.
5. The proposed boundary wall would exceed the height of the glazed doors and would extend over 5 metres along the shared boundary. It would result in a tall and long blank wall in close proximity to the glazed doors. Through a combination of its height and depth, the boundary wall would be highly prominent in views from inside each of the rooms. As a result, it would have an overbearing presence, and when combined with the side wall of the rear projection would cause a pronounced sense of enclosure. As such, the outlook from these rooms would become oppressive, diminishing the quality of the living environment available to users of these rooms.
6. Whilst the design, height and depth of the proposal may be agreed upon by the site owners and the change to their outlook is acknowledged and accepted, planning is concerned with development in the public interest. One of the functions of the planning system is to secure a high standard of amenity for existing and future

occupants. In this regard, the proposal falls short. The proposal would be permanent, and it would have a harmful impact in perpetuity.

7. For these reasons, I conclude that the proposal would unduly harm the living conditions of the occupiers of 94 and 96 Halfway Street with regard to outlook. The proposal would therefore conflict with Policy DP11 of the Bexley Local Plan 2023 (the Local Plan). Although the effect of the proposal would be limited to within the appeal site, Policy DP11 of the Local Plan amongst other things, requires development proposals to ensure appropriate levels of outlook are provided and existing properties' amenity is appropriately protected. The proposal would also not meet the aims of the National Planning Policy Framework (the Framework) which seeks developments that have a high standard of amenity for existing and future users.
8. The reason for refusal also refers to Policy SP5 of the Local Plan which is concerned with placemaking through design. This is not determinative in the context of this main issue.

Other Matters

9. The appeal site is located adjacent to the boundary of the Willersley Avenue/Braundton Avenue Conservation Area (the CA). Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The significance of the CA is primarily derived from the uniform style of the housing, the survival of original period detailing and the wide, tree-lined roads.
10. The appeal site makes a very limited contribution to the significance of the CA. Although the proposed boundary wall would be visible in some views from the CA, given its design, it would not cause harm to the character and appearance of the CA. I note the Council raised no objections in this regard either.
11. The appellant has drawn a parallel to permitted development rights afforded by Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which allow for larger rear extensions. Irrespective of any height and depth similarities, a rear extension is a different development to a boundary wall. Development for a larger rear extension is subject to the prior approval process, and assessment on amenity is triggered by neighbour objections. This is different to the assessment of a planning application. As the proposal is for a boundary wall, this does not represent a fallback position.
12. Planning permission was previously granted for the erection of a rear extension at both houses (the previous permission)¹. There are insufficient details before me to judge whether this constitutes a fallback position. In any case, this permission has now elapsed. I therefore afford the previous permission very limited weight. Moreover, it is not my role in assessing this section 78 appeal to comment on conditions attached to the previous permission.
13. While the application was not refused on character grounds and no objections were received from neighbouring residents, compliance with relevant national and local

¹ Council Ref: 22/01063/FUL

planning policies on these matters would be required in any case. A lack of harm in these respects is neutral and weighs neither for nor against the proposal.

Conclusion

14. The proposal conflicts with the development plan, as a whole, and the material considerations, including the Framework do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

L Reid

INSPECTOR