



Appeal Decision

Site visit made on 11 November 2025

by SJ Desai BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/D5120/D/25/3372059

41 Sutherland Avenue, Welling, Bexley DA16 2NN

- 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 Ms T Efunnuga against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 25/00961/FUL.
 - The development proposed is construction of single storey side and rear extension and demolition of existing outbuilding, with relocation of entrance door to front of house.
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Decision

1. The appeal is allowed and planning permission is granted for construction of single storey side and rear extension and demolition of existing outbuilding, with relocation of entrance door to front of house at 41 Sutherland Avenue, Welling, Bexley DA16 2NN in accordance with the terms of the application Ref 25/00961/FUL and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P110 Rev A, P111 Rev A, P112 Rev A, P113 Rev A, P120 Rev A, P121 Rev A, P122 Rev A and P123 Rev A.
 - 3) The materials to be used in the construction of the external wall surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area and shall only be accessed for repair, maintenance or for emergency access/egress.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 39 Sutherland Avenue (No.39), with particular regard to outlook.

Reasons

3. The appeal relates to a two-storey semi-detached dwelling located within a predominantly residential area. The appeal dwelling adjoins 43 Sutherland Avenue (No. 43) to the west. To the east lies No. 39, with both dwellings set away from the shared boundary, resulting in a clearly discernible and well-defined separation. The

appeal dwelling has a half width two storey rear projection and a single-storey rear conservatory extension. A detached outbuilding occupies part of the rear garden.

4. The rear elevation of No. 39 sits slightly behind that of the appeal dwelling. The dwelling includes a modest single-storey rear projection. Within the projection is a rear facing kitchen window and a ground-floor living-room window is located within the main rear elevation. Both openings enjoy a clear, open, and largely unobstructed southward outlook across the rear garden.
5. The proposal seeks to extend the ground floor of the appeal dwelling by approximately 3 metres on the side closest to No. 39. It would be set in marginally from the main flank of the dwelling and positioned away from the shared boundary, thereby maintaining the existing separation distance between the properties.
6. Given the significant separation retained between the dwellings, together with the relatively modest scale and flat-roofed form of the proposal, the cumulative projection of built form would not extend to a level that would materially intrude upon, obstruct, or dominate views from the rear-facing windows of No. 39. Those windows currently benefit from a generous and open aspect across the rear garden, and that sense of openness would remain largely unaffected. The removal of the existing outbuilding at the appeal property would also result in a modest yet positive improvement to the overall outlook of occupiers of No.39.
7. The Council contends that the proposal would conflict with the guidance contained within the Design & Development Control Guidelines Supplementary Planning Document, particularly with regard to the impact on the kitchen window at No. 39. I have had careful regard to this guidance; however, it is guidance and can be applied with appropriate flexibility and in light of the specific circumstances of the site.
8. In this instance, the appreciable spacing between the dwellings, the southward-facing orientation of the rear elevations, and the fact that the proposed extension would not project across or in front of the neighbouring windows, and remaining open aspect and outlook, lead me to conclude that that any perceived encroachment on notional guidance lines would not result in a harmful loss of outlook for the occupiers of No. 39. Therefore, notwithstanding the proposal being contrary to design guidance, as a matter of judgement, it does not conflict with relevant development plan policies.
9. I therefore conclude that the proposal would not harmfully affect the living conditions of the occupiers of No.39, with particular regard to outlook. As such, the proposal would not conflict with Policies SP5 and DP11 of the Bexley Local Plan (2023) which amongst other matters, require new development to safeguard the amenity of neighbouring properties and to achieve good design. For the same reasons, the proposed development also accords with sections 11 and 12 of the National Planning Policy Framework (2024) (the Framework).

Other Matters

10. The existing drainage arrangements are a matter between the appellant and the neighbour. I am informed that drainage for the new extension is a matter that would also be addressed under the Building Regulations, and I see no reason the scheme could not accommodate the necessary provision. With regard to daylight, I note that the Council does not raise an objection in this regard. Given the height,

depth and orientation of the proposed extension, the effect upon daylight would be minor. I am therefore satisfied that an acceptable level of open aspect and overall daylight would remain for the affected windows.

Conditions

11. I have considered the conditions suggested by the Council against the tests of paragraph 57 of the Framework and advice in the Planning Practice Guidance: Use of planning conditions. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plans is necessary to provide certainty. A condition relating to materials is also reasonable and necessary in the interests of character and appearance. In the interests of protecting the living conditions of adjacent occupiers, it is necessary and reasonable to impose a condition restricting the use of the flat roof of the proposed extension.

Conclusion

12. For the reasons given above, the development is compliant with the development plan read as a whole. Having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be allowed.

SJ Desai

INSPECTOR