

# Appeal Decision

Site visit made on 6 September 2016

**by Timothy C King BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 September 2016**

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**Appeal Ref: APP/G5180/D/16/3154381**

**9 Southlands Road, Bromley, BR2 9QR**

- 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 Jim Hitch against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/16/01652/FULL6, dated 4 April 2016, was refused by notice dated 13 June 2016.
  - The development proposed is '*Ground floor rear extension*'.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the proposal's effect on the living conditions of neighbouring occupiers. In this regard the Council has indicated that no nearby properties other than No 7 would be affected by the proposal, and I agree with this assessment.

## Reasons

3. The appeal dwelling is a two-storey semi-detached dwellinghouse. The proposed ground floor rear extension would run the full width of the house, and to a depth of some 4m. Flat-roofed, the extension's height at the common boundary with No 7, the adjoining neighbouring property, would rise to an approximate height of 2.9m.
  4. Under householder permitted development rights, I am mindful that a 3m deep ground floor rear extension could be built onto the original rear wall of No 9, the appeal dwelling, without the necessity of planning permission. This represents a fallback position, but in assessing whether an additional one metre depth, as is here proposed, would make a significant difference I have weighed up the particular factors relevant to this case.
  5. The relationship between No 7 and its neighbour westwards, No 5, is unusual in that the latter dwelling is set back to the point where its frontage virtually lines up with No 7's rear building line. As such, No 7, due to the relative orientations must be affected in terms of a degree of overshadowing by reason of this physical arrangement.
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6. Turning to the proposed extension itself I note that the appellant has produced a basic illustration with comments that the resultant skylight impact on No 7 would satisfy Building Research Establishment (BRE) guidelines. However, this is only one relevant criterion employed by the BRE. Another pertinent calculation is to project a 45 degree line from the centre of No 7's rear window and see whether it would clear No 9's projected rear building line. The appellant has not applied this test and I have assessed that such a line would, instead, cut the additional depth.
7. In the absence of any compelling technical verification to properly illustrate that the various criteria are fully met I am not convinced that the occupiers of No 7 would not be unduly impacted upon through a consequential reduction in natural light entry and overshadowing. Further, I consider that the impact would be compounded by an undue sense of enclosure, exacerbating that already felt due to the positioning of No 5.
8. Policy BE1 of the Council's Unitary Development Plan (UDP) requires that, amongst other things, development proposals should respect the amenities of occupiers of neighbouring buildings so as to ensure that their environments are not harmed by inadequate daylight, sunlight or by overshadowing. In the circumstances, contrary to the appellant's assertion that there would be just a minimal difference between the proposal and a 3m deep extension, I consider that the effects of an increase to 4m would be significant. No 7's outlook would be impeded, a heightened sense of enclosure would result, to which its storage shed and garden trees have only a negligible effect and, moreover, the degree of overshadowing resultant from the development would be to an unneighbourly level.
9. I conclude that the proposal would be harmful to the living conditions of neighbouring occupiers, and this would materially conflict with the aims and requirements of UDP Policy BE1.
10. For the above reasons, and having considered all matters raised, the appeal does not succeed.

*Timothy C King*

INSPECTOR