
Appeal Decision

Site visit made on 13 September 2016

by Louise Phillips MA (Cantab) MSc MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/G5180/D/16/3150882
46 Blandford Road, Beckenham BR3 4NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Tom Pope against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00368/HHPA, dated 8 January 2016, was refused by notice dated 29 February 2016.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the amenity impact of a single storey side extension at 46 Blandford Road, Beckenham BR3 4NF in accordance with the terms of the application Ref DC/16/00368/HHPA, dated 8 January 2016, and the plans submitted with it, subject to the following conditions:
 - 1) No development shall commence until a scheme for the drainage of surface water run-off from the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all guttering, downpipes and outflow pipes required to serve the development and shall show the intended destination of the drained water. Development shall be carried out in accordance with the approved scheme.
 - 2) Notwithstanding the details shown on drawing no 09092015-A-EE-EP-2 Revision C, the maximum height of the development to the ridge shall be 3.5m.

Preliminary Matters

2. The date of the application, the site address and the description of development are taken from the appellant's email to the Council which accompanied his submission. The appellant's name is taken from the appeal form.
3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) provides that where the owner or

occupier of any adjoining premises objects to the proposed development, the local planning authority is required to assess it solely on the basis of its impact on the amenity of all adjoining premises, taking into account any representations received. I have dealt with this appeal in the same manner.

Main Issue

4. The decision notice states only that “the proposed extension is considered to be harmful to the amenities of the neighbouring dwelling(s)” but, from the delegated report, it is clear that the Council is concerned about its effect on light and outlook at No 44 Blandford Road. Taking this into account, the main issue for the appeal is as follows:
 - The effect of the proposed development upon the living conditions of neighbouring occupiers at No 44 Blandford Road in respect of outlook and light.

Reasons

5. The appeal property is an end of terrace house, separated from its neighbour at No 44 by an alleyway. By the lie of the land, ground level at the appeal property is above that at No 44. Both houses have a two-storey rear projecting element set in from the alleyway; and the proposed development is to fill in the space to the boundary at the appeal site with a single storey, pitched roof extension. This would effectively ‘square-off’ the property at ground floor level.
6. The boundaries on both sides of the alleyway are marked by high, solid fencing. This already limits the outlook available from the ground floor kitchen and breakfast room windows at No 44 which would look on to the new development. Moreover, the principal view from these windows at present is of the two-storey rear projection at the appeal site. By virtue of these factors, and due to the north-west orientation of the rear elevation (addressed further below), the area outside the aforementioned windows at No 44 is already quite dark and enclosed.
7. The eaves of the proposed extension would be higher than the existing fencing and it would be closer to the windows than is the two-storey projection. This would have some effect on the view from the windows at No 44 and the relative elevation would contribute to this. However, the existing two storey projection would remain the dominant feature and in this context, the proposed extension would neither be overbearing nor unduly detrimental to outlook.
8. The properties on the northern side of Blandford Road are oriented so that their rear gardens face north-west and the appeal property lies to the west of No 44. At the time of my site visit (approximately 11:20), which took place on a very sunny day, the area of concern at No 44 was in shadow, as was the entire garden area of both properties. Given the passage of the sun in the northern hemisphere, the proposed development would have only a limited effect on sunlight reaching the affected windows in the late evening. This would not be significantly detrimental to living conditions.
9. For these reasons, I conclude that the proposed development would not cause harm to the living conditions, or amenity, of the neighbouring occupiers at No 44 Blandford Road in respect of outlook or light. The Council raises no

concerns in relation to amenity at No 48 Blandford Road and I concur with this position.

Other Matters

10. Interested parties state that there is an existing problem with rain water running off the roof of the appeal property and into No 44, where it then floods the patio and enters the breakfast room, notwithstanding a new roof and guttering system on the main house. This matter is neither disputed nor in any other way addressed by the main parties and so I have no reason to doubt that it is a problem.
11. The proposed development would both increase the roof area from which rainwater run-off could occur, and increase the proximity of any run-off to the boundary with No 44. Whilst it is not clear from the plans, it is also possible that new outflow pipes might be required to serve the enlarged kitchen area. Taken together, these factors would be likely to make the existing flooding issues worse to the detriment of neighbouring amenity.
12. However, the submitted plans do show UPVC guttering for the length of the proposed extension and there is a drain in the alleyway between the houses. Whilst concerns have been raised about the current condition of this drain, it does represent an existing mechanism for dealing with water in close proximity. Thus I consider that it would be possible to achieve a satisfactory drainage scheme for the proposed development, which may indeed improve the current situation. Given that Paragraph A.4(12) of the GPDO provides for prior approval to be granted subject to conditions where necessary to protect the amenity of adjoining premises, I am satisfied that this matter could be dealt with by way of a condition. Therefore, it does not outweigh my conclusion in respect of the main issue of the appeal.
13. In reaching my decision, I have taken account of other issues raised including the potential for damage to foundations, fencing and the alleyway during construction, but such matters are covered by other legislation. I note the comments made about an infestation of clothing moths arising from previous works at the appeal property, but my decision does not turn on this point.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Conditions

15. The GPDO requires at Paragraphs A.4(13), (14) and (15) respectively that the development must be completed on or before 30 May 2019; that the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and that notification of completion must be in writing and include the name of the developer, the address or location of the development and the date of completion.
16. For the reasons set out above, I have imposed an additional condition to require a scheme of drainage to be submitted to the Council for its approval prior to the commencement of the works. This is necessary to protect the amenity of neighbouring occupiers. I have also imposed a condition to clarify that the maximum height of the extension to the ridge should be 3.5m. This is necessary to resolve a discrepancy on the plans and to protect the amenities of

neighbouring occupiers. In attaching these conditions, I have had regard to paragraph 206 of the National Planning Policy Framework and to the advice in the Planning Practice Guidance.

Louise Phillips

INSPECTOR