
Appeal Decision

Site visit made on 20 September 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 26th October 2016

Appeal Ref: APP/G5180/D/16/3155203

14 Edgebury, Chislehurst BR7 6JW

- 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 Daniel Ryan against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01859/FULL6, dated 15 April 2016, was refused by notice dated 25 May 2016.
 - The development proposed is a single storey rear extension and double storey side extension to a single family house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the development on: -
 - (a) The character and appearance of the area; and,
 - (b) The living conditions of the adjoining occupiers of No.12 Edgebury, particularly in respect to outlook and light.

Reasons

The character and appearance of the area

3. Edgebury is a residential street characterised by two-storey semi-detached properties comprising a general similarity in their architectural form retaining their original frontage appearances. I observed on site that, in the main, there is a general rhythm to the streetscape with spaces between semi-detached properties. Despite some properties hosting later two-storey side extensions built close to the side boundary, the streetscape retains much of its original pattern with gaps between dwellings. These spaces, to my mind, are a distinctive feature of this street scene.
 4. Although the extension has been designed to reflect the appearance of the original dwelling, incorporating a pitched roof and matching materials and would be subordinate to the original dwelling, it would be constructed up to and along the side boundary of the adjoining property. This would be below the minimum 1m gap identified in Policy H9 of the London Borough of Bromley Unitary Development Plan (UDP). This policy allows for an assessment of the
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individual circumstances. By virtue of its immediate proximity to the side boundary, the proposal would erode the gap between the appeal property and its neighbour and have a visually enclosing effect and cramped appearance. This would reduce the perception of space and openness between these two properties and would appear at odds with the appearance of the street scene.

5. I note that a certificate of lawful development is in place that would enable the erection of a single-storey rear extension and I appreciate that the General Permitted Development Order could enable a single storey side extension to be constructed. I have no evidence, however, that would indicate a clear intention by the appellant to implement this approval or permitted development rights. For example I did not see any works being carried out on site. In any event, the ability to erect single-storey extensions is not sufficient justification for a two-storey side extension that would cause significant harm for those reasons set out above. I therefore attached limited weight to these as a possible fallback.
6. The adjoining property, No.12, has an existing single-storey side extension and a 1m gap could therefore not be retained at ground floor level in line with Policy H9. However, built development up to the side boundary of the appeal property would reduce the space between these properties at first floor level. Whilst a gap at first floor would remain to the side of No.12, the proposed development would diminish the space and further erode the openness between these properties. As a result it would be out of keeping with the character of the locality.
7. The appellant argues that a two-storey side extension has been constructed to the side of the adjoining property, No.16. However, the design and form of this addition differs from that proposed here. The proposal would not therefore create a balancing form of development and, as a result, would not justify the proposed extension.
8. For these reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The proposal is contrary to Policies 7.4 and 7.6 of the London Plan and Policies BE1, H8 and H9 of the UDP which seek extensions to existing buildings to be of a high quality design and layout and respect space or gaps between buildings.

The living conditions of the adjoining occupiers of No.12 Edgebury

9. The appellant has indicated in his statement that the first floor extension would project 3m beyond the original rear building line of the property. I observed on site that both No.12 and the appeal property have a similar rear building line to one another. Whilst the proposal would not project significantly at ground floor beyond the rear building line of the existing garage, or that of the adjoining occupier's garage at No.12, the two-storey extension would nonetheless be clearly visible to the occupiers of No.12 from their outdoor living space immediately to the rear of their property. A two-storey extension in such close proximity to the adjoining occupiers would have a significant effect on the outlook of the occupiers of this property as viewed from their garden. Such an extension would dominate the outdoor living environment and intrude upon the enjoyment of this area.
10. The Council is also concerned that the proposed two-storey extension would result in the loss of daylight/sunlight to No 12. Although some overshadowing

mainly of the garden area of No.12 would occur during the course of the day, in my judgement the effect would be quite limited.

11. For these reasons, I conclude that the proposed development would have a harmful effect on the living conditions of adjoining occupiers of No.12 Edgebury, in respect of outlook but not in regard to light. The proposal would be contrary to Policies 7.4 and 7.6 of the London Plan and Policies BE1, H8 and H9 of the UDP which seek extensions to respect the amenity of occupiers of neighbouring buildings, amongst other matters.

Other Matters

12. I note the appellant wishes to create extra living space to provide a modern family home and home workspace. Whilst I sympathise with the personal circumstances of the appellant, I am mindful that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances.

Conclusions

13. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR