

Appeal Decision

Site visit made on 10 October 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 3 November 2016

Appeal Ref: APP/G5180/D/16/3155205

37 Magnolia Drive, Biggin Hill, London TN16 3SN

- 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 John Garrett against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01393/FULL6, dated 21 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is part two storey part single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a part two storey part single storey rear extension at 37 Magnolia Drive, Biggin Hill, London TN16 3SN in accordance with the terms of the application, Ref DC/16/01393/FULL6, dated 21 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 216/1A, 216/2A and 216/3A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 39 Magnolia Drive having regard to outlook and light.

Reasons

3. The appeal site comprises a two storey semi detached dwelling. The rear elevation of the existing dwelling together with the adjoining dwelling at No 39 are relatively unaltered and contain two large full height glazed openings at ground floor, the smallest of which are located close to the common side boundary. The side boundary between the appeal site and No 39 is marked by a brick wall lower in height than the top of the ground floor glazed openings. Both dwellings have reasonable sized rear gardens. A paved seating area is located immediately to the rear of the dwelling at No 39.
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4. The proposed rear extension would be single storey where it adjoins the common side boundary with No 39. It would have a mono pitched roof and its height would be higher than the existing side boundary wall. However at 3 metres the rear projection of the single storey element adjoining the side boundary would be reasonably limited. This together with its limited height and relative position to the ground floor openings, patio area and garden at No 39 means that I do not consider that the single storey element of the proposal would have a significant adverse impact on the outlook from the dwelling and garden at No 39. I note that the size of the single storey element of the proposal is smaller than that allowed at appeal (Ref DC/15/05443/HHPA) earlier this year.
5. The two storey element of the proposed extension would be set away from the common side boundary with No 39 and would have a partly hipped roof. Having regard to the separation distance between the two storey element and No 39 and its scale, level of rearward projection and design, I do not consider that it would have a significant adverse impact on the outlook from the dwelling and garden at No 39. I note that the size of the two storey element of the proposal is smaller and is located further away from No 39 than a previous proposal for a two storey rear extension dismissed at appeal last year (Ref DC/15/00263/FULL6).
6. The relative orientation of the appeal site and the dwelling and garden at No 39 means that there would be some loss of light and overshadowing of the rear elevation and rear garden of No 39 at certain times of the day and year. However having regard to the scale and position of the proposal I do not consider that this loss of light and overshadowing would be significant or that it would materially harm the living conditions of the occupiers of No 39.
7. The Council raised no objections to the impact of the proposal on the living conditions of occupiers of any other nearby properties, including the adjacent dwelling at 35 Magnolia Drive. Though I have had regard to the representations received from the owner of No 35 and acknowledge a slight difference in levels between the two properties, I have no reason to disagree with the Council's findings and agree that the proposal would not have a significant adverse impact on No 35.
8. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on the living conditions of the occupiers of 39 Magnolia Drive having regard to outlook and light. It therefore complies with Policy BE1 of the London Borough of Bromley Unitary Development Plan. This policy seeks, amongst other things, to respect the amenity of the occupiers of neighbouring buildings.

Conditions

9. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring the extension to be constructed from materials to match the existing building. This is having regard to the character and appearance of the area.

Conclusion

10. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR