
Appeal Decision

Site visit made on 7 November 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/G5180/D/16/3155423

2A St Winifreds Road, Biggin Hill, Kent TN16 3HR

- 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 B Harradine against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02520/FULL6, undated, was refused by notice dated 20 July 2016.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of adjacent dwellings in terms of outlook and availability of light.

Reasons

3. Located in a road which, in the main, comprises detached dwellings of varying sizes and heights, the appeal property is a one and a half storey dwelling, with a pitched roof, the gable end of which forms its rear elevation. The property has a deep back garden to the rear, with close boarded fencing of around 1.5m on one boundary and of around 2m on the other. The appeal property and its neighbouring dwellings, whilst detached, are quite tightly spaced.
 4. The proposed development is a single-storey flat-roofed rear extension that would extend across the bulk of the main rear elevation of the property, but be stepped in from the edge of the rear wall adjacent to No 4 by around 1m. The extension would have a depth of around 4m, a flat roof with a height of around 2.6 m, and parapets atop its flank walls to a height of just over 3m.
 5. The existing rear flank wall of the appeal dwelling projects considerably deeper into the rear garden than that of No 2. I saw on site that No 2 had ground floor windows close to the boundary with the appeal dwelling. The proposed development would introduce brick walling of an excessive height and depth in close proximity to the boundary with No 2, which, when combined with the existing difference in depths of the rear elevation, would result in an enclosing and overbearing structure. Consequently, the proposed development would cause a material reduction in the quality of outlook available from the adjacent
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- first floor window of No 2, which would be of considerable harm to the living conditions of its occupants.
6. I note that the appellant would be willing to accept a condition to limit the size of the flank walls through the removal of the parapets at the top. However, this change would still result in a substantial amount of brick walling in close proximity to the ground floor window of No 2 that combined with its depth would still have an overbearing effect on the outlook that could be enjoyed from that window. I note also that the appellant would be prepared to inset the proposal further from the boundary. However, the details of such a scheme are not before me in this appeal, which has focussed on the plans as submitted at the application stage. In the interests of fairness, any substantive changes such as this would have to be the subject of a fresh planning application in the first instance.
 7. In terms of No 4, I saw onsite that this property appears to have been extended. The back wall of this extension is of a similar depth into the rear plots as that of the appeal dwelling. Whilst there is a ground floor window in the rear of this extension close to the boundary with the appeal dwelling, the height of the existing boundary treatment, combined with the separation distance achieved and the comparatively limited depth of additional walling that would be visible from this window, lead me to the view that it would not cause material harm to the living conditions of No 4's occupants in terms of outlook.
 8. The gardens and rear elevations of the appeal dwelling and its neighbouring properties are broadly north-westerly facing. Whilst the proposed development could cause some additional shading at certain points of the day, both to No 2 and No 4, due to the height of the existing boundary treatments between the properties, the separation distance between the flank walls and the neighbouring properties, and the limited times in the day that this would be likely to happen I consider that it would cause no materially harmful effects to the living conditions of the occupiers of either No 2 or No 4 in respect of their access to sunlight or daylight.
 9. I note that the appellant considers that alterations permitted to No 4¹ have caused loss of light and outlook to the appeal property. However, the changes to that property do not appear to have had the same level of harmful effect as those that would be caused by the proposed development to the occupiers of No 2 in terms of outlook. In any event, each proposal needs to be considered on its own planning merits.
 10. I am aware that there were no objections to the proposed development; however, this does not alter my conclusions in regard to the harmfulness of its effects on the outlook of the occupiers of No 2.
 11. I have detected no material interference with the availability of light and sunlight to the occupants of No2 and 4 arising from the appeal scheme, or in terms of outlook available to the occupiers of No 4. However, the proposed development would be enclosing and overbearing in the context of the adjacent ground floor window in No 2, which would cause materially harmful effects to the living conditions of the occupiers of that property in terms of their outlook. Consequently the proposed development would conflict with Policy BE1 of the Bromley Unitary Development Plan (adopted July 2006) (the UDP); which,

¹ Council reference: 06/01415/FULL6

amongst other matters, seeks to ensure that extensions should respect the amenity of occupiers of adjacent buildings. However, as the proposed development would not be harmful to the character and appearance of its host dwelling I detect no conflict with Policy H8 of the UDP.

12. The proposed development's conflict with Policy BE1 outweighs its lack of conflict with Policy H8. In this respect the appeal scheme does not meet the requirements of the development plan, and as no material considerations indicate otherwise, I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR