

Appeal Decision

Site visit made on 7 December 2016

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/G5180/D/16/3160654

211 Birkbeck Road, Beckenham BR3 4ST

- 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 Ms Rebecca Herbert against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02361/FULL6, dated 16 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 213 Birkbeck Road.

Reasons

3. The appeal property is a 2-storey semi-detached dwelling situated within a predominantly residential area. To the rear of the property is an outrigger. The proposed development includes a single storey wrap-around extension which would increase both the width and depth of the outrigger. The Council has not objected to the proposed development by reason of any adverse harm being caused to the living conditions of the occupiers of 209 Birkbeck Road. There are no reasons for me to disagree with the Council's assessment.
 4. The flank wall of the proposed extension would be sited close to the shared boundary with No. 213. The separation distance from the boundary reflects the existing gap between the flank walls of these neighbouring dwellings created by a footway between the property's front and rear gardens. The shared boundary is currently defined by a wooden fence which varies between about 1.6m and 1.8 metres in height.
 5. Within the main rear elevation at ground floor level of No. 213 is a glazed opening with doors which serves a habitable room. There is also a bay window within the side elevation of the outrigger of No. 213 which, based upon the observations made during the site visit, also serves a habitable room. By reason of the existing relationship between the outriggers of these
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neighbouring dwellings and the boundary fence, there is already a sense of enclosure for the occupiers of No. 213 associated with the outlook from these 2 windows. Although the high flank wall would be set back from the shared boundary, because of the appeal scheme's siting, height and depth there would be a material deterioration in the living conditions of the occupiers of No. 213.

6. The outlook from the bay window would be dominated by the bulk of the appeal scheme's side elevation, including the roof sloping away from the boundary. There would be an unacceptable sense of enclosure when compared to the current relationship between the bay window and the side elevation of the flank wall of the appeal property's outrigger which is sited further away from the shared boundary.
7. When compared to the current situation, the siting, length and bulk of the appeal scheme would result in a greater tunnelling effect and sense of enclosure for the occupiers associated with their outlook from the rear window. These adverse effects would arise because of the bulk of the appeal scheme with the proposed side elevation and the sloping roof being visible above the boundary fence.
8. Although a shared boundary taller than the current fence could be erected as permitted development, such a means of enclosure would not have the same degree of identified harm as the proposed extension because of its greater bulk, especially associated with the sloping roof.
9. The claims of the appellant concerning the orientation of the properties and the effect of the proposed development on, in particular, levels of sunlight reaching the windows of No. 213 have been carefully noted and this alone would not be a reason for this appeal to fail. The effect on levels of daylight would equally not be a reason for this appeal to fail. However, the potential for some reductions in levels of sunlight and daylight reaching the neighbouring windows add to my concerns about the harm which has been identified because of the proposed extension's bulk.
10. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 213 Birkbeck Road and, as such, it would conflict with Policy BE1 of the London Borough of Bromley Unitary Development Plan. Amongst other matters this policy which requires development proposals, including extensions, to respect the amenity of occupiers of neighbouring buildings. This policy is consistent with the National Planning Policy Framework's (the Framework) core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.
11. In reaching this conclusion I have noted that the occupiers of No. 213 have not objected to the proposed development but I am mindful that others may well occupy this neighbouring property at a later date.

Other Matters

12. As identified by the appellant the proposed development would not cause any harm to the character and appearance of the streetscene and its design and choice of materials would complement the property. Further, as expressed in the Personal Statement, the desire of the appellant to improve the living space

to meet the needs of the family and to remain in this location have been carefully noted. However, all these matters are significantly and demonstrably outweighed by the unacceptable harm which has been identified. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR