
Appeal Decision

Site visit made on 5 December 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 28th December 2016

Appeal Ref: APP/G5180/D/16/3158371
63 Elmstead Lane, Chislehurst BR7 5EQ

- 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 Mrs C Mulock against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02905/FULL6, dated 14 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed is first floor extension to create additional accommodation, new roof and single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the appeal property is also referred to as 'Wengen'.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring property at No 1 Walden End, Elmstead Lane, with particular reference to outlook and daylight/sunlight.

Reasons

4. The appeal property is a one and two storey detached dwelling located on the western side of Elmstead Lane. It is one of a number of similarly sized properties with long rear gardens. Directly to the north are the semi-detached properties known as No 1 and No 2 Walden End. These dwellings have an unusual sub-division, with No 1 principally orientated towards the Lane and No 2 principally oriented to the rear. However, No 1 does have a small section of rear elevation located around 1.6m from the shared boundary with the appeal property. The rear of No 2 adjoins to the north, with part of this rear elevation facing the appeal property. No 1 also has a long narrow section of garden located directly adjacent to the shared boundary with the appeal property. This boundary is defined by a timber fence of reasonable height.
 5. The proposal is for front and rear extensions to the appeal dwelling as well as a new roof. Specifically, to the rear the existing conservatory on the western side of the dwelling would be replaced by a full width single storey flat roofed addition. This would extend around 4m from the rear elevation and would be around 3.2m in height, reaching around 3.8m with the addition of the two
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central 'lantern' lights. There would be a separation distance of just over 1m from the shared boundary with No 1 Walden End.

6. The rear elevation of No 1 Walden End is already to some degree enclosed by the proximity of the rear elevation of No 2 and also the timber fence on the shared boundary. The addition of the extension, which would be noticeably higher than the fence, and in close proximity to the shared boundary would be an intrusive feature when viewed from the rear windows of No 1. This would create a sense of enclosure when viewed from both the rear ground floor window and within the garden area closest to the property as this is already a relatively confined space. Whilst I accept that the garden of No 1 widens further away from this property, this is some distance away and would not lessen the harm which would be caused to the property itself and the garden area closest to it. My view is that in this respect the rear extension would have an overbearing visual impact on the occupiers of this property.
7. I accept that the appeal dwelling already has an impact on No 1 in terms of shadowing, and that any additional effect would be relatively small scale. However, the confined nature of the area to the rear of No 1 means that the prospect of any additional harm must be carefully considered. In this respect the further loss of sunlight in the area closest to this property would in my view have a detrimental effect on the enjoyment of this garden area.
8. I also accept that a single storey extension with similar dimensions to that proposed would be allowed under current permitted development rights. However, such developments may not exceed 3m in height within 2m of the property boundary. I have judged the present proposal on the details presented and in relation to the impact on the neighbouring property and found it to be unacceptable.
9. I have found that the proposal would have an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No 1 Walden End, Elmstead Lane with particular reference to outlook and daylight/sunlight. It would therefore conflict with the Bromley Unitary Development Plan 2006 which at saved Policies BE1 and H8 requires that, amongst other things, development should maintain the space between buildings and not harm the environments of the occupiers of neighbouring properties in terms of daylight/sunlight and overshadowing.

Other Matter

10. The appellant has requested that if the rear extension is not considered to be acceptable then a split decision be issued. In this respect the Council has not raised any concerns regarding the front extension and I have no reason to take a different view. However, as the rear extension includes a large portion of the proposed enlargement of the kitchen, it is not clear what impact the removal of this element of the scheme would have on the overall configuration of the property. I am therefore unable to reach such a decision.

Conclusion

11. For the reasons set out above the appeal is dismissed.

AJ Mageean

INSPECTOR