

Appeal Decision

Site visit made on 4 January 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 12 January 2017

Appeal Ref: APP/G5180/ D/16/3158764
19 Millwood Road, Orpington BR5 3LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Robert Kijewski against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03347/HHPA, dated 7 July 2016, was refused by notice dated 3 August 2016.
 - The development proposed is single storey ground floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's surname is given as Kijowski on the appeal form. However, his surname is set out on the planning application form and the Council's decision notice as Kijewski and I have therefore used this spelling in the heading above.
3. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

4. The appeal proposal would project 4.4m from the rear of a semi-detached house and extend along the party boundary with the other house in the pair, 20 Millwood Road. No 20 has a set of glazed doors serving a habitable room close to this boundary and as a result has a sensitive relationship with No 19.
 5. The drawings indicate that the proposed extension would rise up from an eaves height of 2.7m to a ridge of 3.8m high where it would be closest to the rear elevations of Nos 19 and 20, which would be just below the sill level of first floor windows. This would result in a significant area of the flank elevation being conspicuous from within No 20.
 6. The result of the combined height and depth of the proposed side elevation of the extension in such close proximity to No 20 would result in the proposal
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- creating a significant overbearing effect which would be experienced by the occupiers of No 20, particularly from within the room closest to the boundary.
7. The southerly orientation of the rear elevations of the two properties would mean that the extension would be likely to restrict sunlight reaching the nearest ground floor room in No 20 at some times in the afternoon and evening, although it would avoid such an effect earlier in the day. However, the proposed extension's height and proximity to No 20 would also be likely to reduce overall levels of diffuse skylight reaching the interior of that room.
 8. In support of his appeal the appellant has referred to a methodology used by Merton Council for considering the acceptability of extensions in terms of visual intrusion and loss of day and sun light to neighbours. I have not been directed to any similar guidance produced by the London Borough of Bromley. Notwithstanding that this methodology relates to a different local planning authority area, the explanation provided is very limited in its illustration that the above adverse effects could be avoided in this case. I have consequently given this limited weight in reaching my conclusion.
 9. Overall, as a result of its overbearing effect and detrimental loss of light, the proposal would have a materially harmful effect on the living conditions, and hence amenity, that the occupiers of No 20 could reasonably expect to enjoy.
 10. The appeal site's other neighbour, No 18, is separated from it by a gap and its rear elevation is set slightly forward from that of No 19. This arrangement would mean that such effects would be considerably less harmful on both the outlook from, and light received through, the ground floor windows at the rear of that property and consequently on the amenity of the occupiers of No 18. However, this does not amount to a positive consideration and does not alter my conclusion.
 11. The appellant points out that the proposal is shorter in depth than the maximum permitted under the GPDO. However, such larger proposals would also need to be considered in light of their impact on the amenity of any adjoining premises should the prior approval requirements be triggered.
 12. Similarly, I have not been presented with any evidence to suggest that there is a greater than theoretical possibility that a smaller extension, such as that which could be erected under permitted development rights without potentially triggering the GPDO prior approval requirements, might take place. In any event, although its maximum height could be slightly greater, the 3m maximum depth of such an extension would be considerably shorter than that proposed and in all likelihood would have a materially different effect on neighbours' living conditions. Consequently, I have given these possible alternatives little weight in reaching my conclusion.

Conclusion

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

Geoff Underwood

INSPECTOR