
Appeal Decision

Site visit made on 16 January 2017

by P W Clark MA MRTPI MCMI

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

Decision date: 26 January 2017

Appeal Ref: APP/G5180/D/16/3161339

31 Pleasance Road, Orpington BR5 3AR

- 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 Beverley Johnson against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03449/FULL6, dated 19 July 2016, was refused by notice dated 9 September 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 31 Pleasance Road, Orpington BR5 3AR in accordance with the terms of the application, Ref DC/16/03449/FULL6, dated 19 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Other than as required by condition 3, the development hereby permitted shall be carried out in accordance with the following approved plans: 16016/p/1 and 2.
 - 3) Notwithstanding the detail shown on the approved plans, the decking proposed shall not exceed 300mm above natural ground level.

Reasons

2. The sole main issue in this appeal is the effect of the proposal on the living conditions of neighbours at number 33 Pleasance Road in terms of light, outlook and privacy.
 3. The floor levels of numbers 31 and 33 are identical. The rear garden of number 31 is about 0.75m below their common floor level whereas that of number 33 is much less so. In consequence, the single storey extension proposed at number 31 would be unusually high only in relation to its own garden level but not in relation to floor levels or garden level at number 33. Likewise, the decking proposed would only be significantly elevated in relation to number 31's own garden, scarcely so in relation to that at number 33 and, in any event, can be limited in elevation by condition, as suggested by the appellant.
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4. The depth of the extension proposed is shown to be 3.395 m in relation to number 33. This would be a little more than the 3m which is commonly regarded as having an acceptable effect on daylight and outlook from a single storey rear extension. No information of the outcome of any daylight or sunlight test is provided by either party but, in my view, the application of the Building Research Establishment's "45° approach", if that had been applied, would demonstrate that the extension proposed would not cause such a significant reduction on the daylight received at number 33's rear living room window as to be unacceptable. The position of the proposed extension, on a south-facing elevation to the east of number 33 would also give an acceptable outcome in terms of sunlight.
5. The direct outlook from the main ground floor window at number 33 is towards its own garden. The boundary would be in the peripheral vision of this outlook. For the depth of the extension, it would change from a low wall about 1m high, surmounted by a trellis to the greater height of a single-storey extension. There are no standards governing the provision of outlook. Although it would change so as to be less extensive from number 33, the result would not be so oppressive as to be unacceptable.
6. The low wall and trellis presently dividing the outside patios of the two neighbouring houses gives little privacy between the two. The removal of the patio of number 31 and its replacement by the unbroken flank wall of the proposed extension, of its nature, would provide much greater privacy to the outside patio at number 33. But there would instead be constructed a raised decking about 3m deep beyond the end of the extension. The drawings show that its surface would be about one step below the floor levels of the two houses. That would place it approximately on the same level as the garden at number 33. At that point, the boundary is provided by a fence of a height which could be seen over from that level. The appellant's suggestion that a condition be imposed to require the decking to be no more than 300mm above ground level would result in the existing fence continuing to provide adequate privacy between the two gardens.
7. I conclude that with the condition suggested by the appellant the proposal would have an acceptable effect on the living conditions of residents of number 33 and so I allow the appeal. It would comply with those parts of policies BE1 and H8 of the London Borough of Bromley UDP adopted in July 2006 which require development to provide for daylight and sunlight and to protect the living conditions of neighbours. It is not necessary to impose the condition suggested by the Council requiring matching materials as the materials proposed are shown on the drawings, compliance with which would be secured in any event by a different condition suggested by the Council.

P. W. Clark

Inspector