
Appeal Decision

Site visit made on 20 January 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/G5180/D/16/3163894

78 Oakdene Road, Orpington, BR5 2AW

- 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 Sharuk Rahman against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04367/FULL6 dated 16 September 2016 was refused by notice dated 8 November 2016.
 - The development proposed is a part single part two storey rear and side/wrap around extensions - resubmission.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal on the living conditions of neighbouring occupiers with regard to outlook.

Reasons

3. The appeal property is a detached, two storey house which is situated in a row of detached dwellings. This appeal proposal follows the dismissal of a previous appeal¹ and seeks to overcome the reasons for the refusal. This appeal proposal seeks permission for part single and part two storey side and rear extension.
4. A Daylight and Sunlight Assessment (Assessment) was provided with the appeal application which assessed the effect of the proposed development on the living conditions of neighbouring properties. The Council raised no concerns with the findings of the Assessment, which concluded that the development meet the recommended levels of change within the BRE Guidance in respect of sunlight and daylight. I have no reason to disagree with this position.
5. However, the Council remain concerned about the effect of the proposal on the outlook of the neighbouring property to the east, No. 76 Oakdene Road, which the Assessment does not provide an assessment of. I appreciate the proposal has been reduced to provide a 1m side space. Despite this, the two-storey

¹ APP/G5180/D/16/3147757

element of the proposal would bring the appeal building closer to No. 76 and project to the rear of the existing dwelling at first floor level by 4m. This, would appear as a prominent feature from the windows to the rear of this neighbouring property and have an unacceptable overbearing impact on its occupiers. Concerns have been raised in relation to the single storey element of the development. However, given the presence of the existing garage along the boundary with No. 76, which would be replaced by this development, and the limited projection and single storey form of the play room that would project beyond it, I consider that this element of the development would not have an adverse impact on the outlook of this neighbouring property's occupiers.

6. Nevertheless, I conclude that the proposal overall would have an unacceptable harmful impact on the living conditions of neighbouring occupiers and it would be contrary to Policy BE1 of the Council's Unitary Development Plan, which I consider to be of most relevance to this appeal. This seeks, amongst other matters, development that respects the amenity of occupiers of neighbouring buildings. It would also be contrary to the National Planning Policy Framework, which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

7. For the reasons given above and having considered all other matters raised, including the design and materials of the proposal are acceptable in respect of the existing property and those in the area, and reference to other developments in the area, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR