

Appeal Decision

Site visit made on 31 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: 13 February 2017

Appeal Ref: APP/G5180/D/16/3163026
54 Poverest Road, Orpington BR5 2DQ

- 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 & Mrs Woodland against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03034/FULL6, dated 24 June 2016, was refused by notice dated 22 August 2016.
 - The development proposed is a first floor "uplift" extension and a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor "uplift" extension and a single storey rear extension at 54 Poverest Road, Orpington BR5 2DQ in accordance with the terms of the application, Ref DC/16/03034/FULL6, dated 24 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2724-16-PL001 Rev. P5 and 2724-16-PL002 Rev. P4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the windows at first floor level in the side elevations have been fitted with obscured glazing in accordance with the specification on the approved plans, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue raised by this appeal is the effect the proposed development would have on neighbours' living conditions, with particular reference to outlook, privacy and light.
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Reasons

3. The appeal building is a detached bungalow located on a street comprising a mixture of bungalows and houses. Poverest Road is set on an incline in the vicinity of the appeal site. This has the effect that the adjoining bungalow at No 56 is at a slightly higher level than No 54 and the house on the other side, No 52, slightly lower. The proposed extensions would have the effect of turning the appeal property into a two storey house. The first floor extension would project beyond the rear elevation of No 56 and beyond the first floor rear elevation of No 52. A single storey extension would project farther into the rear garden.
4. The effect of the proposal would be to significantly increase the height, scale and mass of the host building, a change which would be apparent from these neighbouring properties. Although the change in levels would slightly increase the relative height of the extensions experienced from No 52, the side of the proposed two storey extension would be set well back from the first floor part of that neighbouring house. This would avoid it appearing dominant or intrusive when viewed from first floor windows in the neighbouring house. The single storey extension would extend beyond the rear of an existing one at No 52. However, this would be set back from the boundary with the effect that it would not appear dominant from the ground floor of that property.
5. The appeal property is separated from No 56 by a shared drive. The two storey element of the proposal would extend beyond the single storey rear of that neighbouring bungalow. However, the combination of the limited projection of the two storey element beyond the rear elevation of No 56 and the degree of separation between the two properties would avoid it appearing dominant.
6. In support of their appeal the appellants have drawn my attention to a single storey rear extension to the rear of the appeal property which would benefit from permitted development and for which the Council have confirmed that prior approval is not required. This would project a similar distance to that which forms part of the appeal proposal. There would appear to be a reasonable possibility that such an extension may be implemented should the appeal scheme not proceed. This is a 'fallback' position to which I can give significant weight.
7. Therefore, although the single storey element would extend a considerable distance beyond the rear of No 56 any effect to the outlook from, or enclosing effect on, No 56 would be unlikely to be materially different from that which would occur as a result of the extension which is permitted. In any event, the effects of the single storey extension would be limited as a result of the separation distance and difference in levels between the two properties.
8. At certain times of the day and year the proposed arrangement might increase the extent to which the properties and their rear gardens may be overshadowed compared to that which would occur with the existing arrangement. However, in the absence of any evidence to the contrary, these effects would be limited and are unlikely to result in any overshadowing leading to a material reduction of natural light reaching either neighbouring property.
9. I have been presented with no evidence to suggest that the proposal would result in neighbours experiencing any loss of privacy as a result of the

proposal. Furthermore, I note that the Council's Delegated Decision report states that there would be little impact on the privacy of occupiers of Nos 52 and 56 provided first floor flank windows were obscure glazed.

10. The effect of the proposed extensions would not, therefore, lead to a harmful effect on neighbouring occupiers' living conditions. The proposal would consequently comply with development plan and national policies¹ requiring that development respects the amenity of occupiers of neighbouring buildings and is compatible with surrounding development.

Conditions

11. It is necessary to specify the approved plans as this provides certainty, and to require that materials match the host building in the interests of preserving the appearance of the area. Requiring the flank windows to contain obscure glass will ensure neighbours' privacy would not be harmed.

Conclusion

12. For the above reasons the proposal would not give rise to any material harm to neighbours' living conditions and would accord with development plan and national policies. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

¹ London Borough of Bromley Unitary Development Plan, 2006 policies BE1 and H8 and paragraph 17 of the National Planning Policy Framework.