Appeal Decision

Site visit made on 14 February 2017

by A J Mageean BA (Hons) BPl PhD MRTPI

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

Decision date: 3rd March 2017

Appeal Ref: APP/G5180/D/16/3164047
Lizard Bank, Manor Park, Chislehurst BR7 5QE

- 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 Morris against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/16/03879/FULL6, dated 15 August 2016, was refused by notice dated 29 September 2016.
- The development proposed is two storey side, rear, part front extensions with single storey side, rear and part front extensions with loft conversion.

Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposals on the living conditions of the occupiers of the neighbouring property of Tamerlane, with reference to privacy and outlook.

Reasons

3. Lizard Bank is a two storey detached dwelling located within the Chislehurst Conservation Area. On the eastern side of this property, where it adjoins the boundary of the property known as Tamerlane, there is a single storey garage to the front of the property and to the rear a conservatory which projects beyond the main rear building line. Tamerlane has recently been substantially extended, to include an increase in the roof ridge, both front and rear dormer windows and to the rear a balcony set within the roof slope[1].

4. The appeal proposals would involve re-modelling Lizard Bank with front, rear and side extensions, including extending over the existing conservatory and garage area. Additional accommodation would be created in the roof space by increasing the ridge height, and inserting dormer windows in the front and rear roof slopes. In addition to a central rear dormer window with full height glass doors, there would be a full height window serving bedroom 1 at second floor level on the eastern side of the rear elevation.

5. The bulk of the building would be increased substantially to the rear, particularly on its eastern side, however, in general terms the resulting dwelling would not be out of proportion with either the plot or adjacent properties. Its two storey addition would be located close to the adjoining

[1] Application 11/01911/FULL6

boundary with Tamerlane, however there would be a small set back at first floor level at this point and overall it appears that the rear building line would not be dissimilar to that of Tamerlane.

6. Whilst the overall bulk of the building would increase and become a more visible presence when viewed from the rear garden of Tamerlane, my view is that this would not be an overbearing addition. I accept that Tamerlane extends further to the rear at ground floor level than upper floors, but noted on my site visit that Tamerlane also extends further to the rear than Lizard Bank at first and second floor levels. In this respect the size and position of the proposed rear extension, which would project around 4m, would not be unreasonable, and would not have a detrimental impact on the outlook from either the property or rear garden of Tamerlane.

7. Of concern however would be the size and position of the second floor window on the eastern side of the rear elevation, particularly as this would be located both at the furthest eastern extent and close to the highest point of the property. As this would be located close to the shared boundary, notwithstanding the presence of a single storey rear addition to Tamerlane along part of this boundary, this would enable potential overlooking of the rear patio and pool area of Tamerlane. Such a loss of privacy would be unacceptable. Whilst I accept that the proposals would remove the existing first floor balcony area, this would not negate the harm identified.

8. I note that Tamerlane has a rear dormer and balcony in its roof area. However, this is centrally placed and partly set within the rear roof slope. Furthermore, Tamerlane itself is angled slightly away from the shared boundary with Lizard Bank. Therefore opportunities for overlooking of Lizard Bank are limited to the area of garden furthest away from the property, and the more intensively used and therefore private areas closest to the house are not directly overlooked.

9. In determining this case I am required to have regard to the statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this case I have identified harm to residential amenity. The Council has noted that given the variety of building forms present in the area in design terms the proposal would not have a detrimental impact. I have no reason to take a different view and consider that the proposal would be of neutral impact on the character and appearance of the Conservation Area.

10. In summary, I have found that whilst the proposal would not have a detrimental effect on the living conditions of the occupiers of the neighbouring property in terms of outlook, it would be unacceptable due to the loss of privacy to the occupiers of Tamerlane. In this respect the proposal would conflict with the London Borough of Bromley Unitary Development Plan Policy BE1 which requires that development should respect the amenity of the occupiers of neighbouring properties.

11. For these reasons the appeal is dismissed.

AJ Mageean

INSPECTOR