
Appeal Decision

Site visit made on 21 March 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/G5180/D/17/3167509
31 Berens Way, Chislehurst, BR7 6RH

- 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 Beeden & Miss Kinaci against the decision of London Borough of Bromley Council.
 - The application Ref DC/16/04577/FULL6, dated 3 October 2016, was refused by notice dated 28 November 2016.
 - The development proposed is single storey rear extension with garage conversion and front bay window extensions.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension with garage conversion and front bay window extensions at 31 Berens Way, Chislehurst, BR7 6RH in accordance with the terms of the application Ref DC/16/04577/FULL6, dated 3 October 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: numbers 2794-16-PL001 Revision P4 and 2794-16-PL002 Revision P4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

Procedural Matter

2. The neighbour at no.29 Berens Way has raised "reservations" about the appeal proposal. These largely concern the condition of retaining boundary walls between the two properties, existing drainage and dampness issues, and possible construction impacts. These are matters that would primarily be dealt with through the Building Regulation process or as a civil matter between the parties. Although from my site visit I could see what was meant, these are matters which are beyond my remit, and I can give them little weight. My responsibility is confined to the planning merits of the proposal before me.
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Main Issue

3. I consider that this is the effect of the proposal on the living conditions of the occupiers of the adjoining properties, with regard to loss of outlook and visual impact.

Reasons

4. The appeal property is a detached house, set well back from the road and occupying much of the width of its plot. The Council has not objected to the garage conversion or front bay window extensions. I have no reason to disagree, finding no harm with respect to the main issue or the character and appearance of the property and the street scene. I thus focus my attention on the rear extension.
5. The proposal would replace an existing rear extension that projects 2 metres from the main rear wall with one projecting 5.2 metres. It would be of the same width, similarly aligned with the western side wall of the house (this is over a metre from the boundary fence with no.29). The eaves line would appear to be unchanged, as would the height of the hipped roof (other than at a central gable feature). From my estimation on site the eaves height would appear to be closer to the appellants' figure of 2.86 metres above ground level than the Council's figure of 3.7 metres (though the latter may be in relation to ground level next door).
6. The rear wall of no.29 is aligned with that of the appeal house, and has glazed patio doors towards the common boundary. I was able to view the appeal site from outside them. I could see the eaves line of the existing extension above the boundary fence, but not the roof sloping away above it. The fact that the roof was not visible may be due to ground level being about a metre lower at no.29. Consequently, I consider that very little of the new extension would be visible from nearby at no.29, other than an increased length of eaves line. I find that there would be no material harm to outlook arising at no.29.
7. The Council's reason for refusal refers to "properties" in the plural, although the officer report addresses only the situation with respect to no.29. The proposed extension would have a glazed side door in the wall towards no. 33 to the east. This wall would be over 5 metres from the common boundary. This is marked by a high fence, beyond which the neighbour's ground floor extension is also set back. I consider with the degree of separation I observed, and with neighbouring side windows set back behind the main rear wall of the appeal house, little of the extension would be seen from indoors next door, or from the garden. Thus I find that no material harm would arise in this direction either.
8. The Council has suggested a planning condition to require details of drainage works to be submitted. This presumably reflects the neighbour's concerns. However, the Council has given no indication that it would have refused planning permission on these grounds, if such a condition was not imposed. I am not persuaded either that the proposal would necessarily worsen any existing situation or that this matter needs to be addressed as a planning issue (paragraph 2 above). However, I agree that a condition to require the use of matching materials is necessary, in the interests of a satisfactory appearance. In addition, I impose a condition specifying the relevant drawings as this provides certainty.

9. Subject to the conditions that I consider to be necessary, I conclude that the proposal would respect the quality of the living conditions of the occupiers of the adjoining properties, with regard to loss of outlook and visual impact. In this respect it would comply with Policy BE1 in the Bromley Unitary Development Plan (2006).
10. There is therefore no reason to withhold planning permission and I allow the appeal.

G Garnham

INSPECTOR