

Appeal Decision

Site visit made on 5 April 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 11th April 2017

Appeal Ref: APP/G5180/D/17/3169278

34 Allenby Road, Biggin Hill, Westerham, TN16 3LH.

- 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 Bradley Murrell against the decision of the Council of the London Borough of Bromley.
 - The application Ref 16/03376/FULL6 dated 11 July 2016, was refused by notice dated 9 November 2016.
 - The development proposed is for a first floor extension, single storey rear extension and two storey front extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the scheme on the living conditions of the occupiers of 36 Allenby Road (No.36), with particular regard to visual impact, daylight and sunlight.

Reasons

3. The Appeal site is located within an area that is characterised by a diverse mix of single and two storey dwellings with staggered front and rear building lines. The existing dwelling on the Appeal site comprises a detached bungalow with a gable roof and projecting pitched and flat roofed projections to the front and rear. The dwelling at No.36 is similarly single storey, although its rear building line does not project as far into the rear garden environment as the dwelling on the Appeal site.
 4. Together and amongst other things policies BE1 and H8 of the London Borough of Bromley Unitary Development Plan (UDP) seek to ensure that new development respects the living conditions of the occupiers of neighbouring properties.
 5. The dwelling at No.36 has no windows in its south facing flank wall and the resultant extended dwelling on the Appeal site would be set back from the front building line of the dwelling at No.36. As a consequence the proposed extension would not have a material impact on the outlook from or daylight/sunlight within the front facing rooms at No.36.
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6. Conversely, the two storey flank wall of the resultant dwelling would project beyond the rear elevation of the dwelling at No.36, where it would have an overbearing impact on the outlook from the adjacent rooms and sitting out area at No.36. The situation would be exacerbated by the associated loss of daylight/sunlight, particularly within the sitting out area at No.36. This would largely result from the location of the proposed extension immediately to the south of No.36. As a consequence the two storey element of the proposed extension would have a significant adverse impact on the living conditions of the occupiers of No.36.
7. In itself the proposed single storey extension would be less visually intrusive than the first floor extension and it would not result in a material loss of daylight or sunlight at No.36. However as part of the overall scheme it simply adds to the overbearing impact of the proposal.
8. It is acknowledged that there is a tall hedge between the two properties. However, it is lower than the proposed two storey dwelling, visually soft and allows for daylight and sunlight to filter through it. Notwithstanding this it currently has an enclosing impact on the outlook from No.36 and serves to illustrate the harmful impact the proposed extension would have.
9. Having regard to the uncluttered form and appearance of the proposed resultant dwelling it would blend in appropriately with the diverse mix of dwellings in Allenby Road. However, this together with the benefits for the Appellant and his family that would result from the proposed additional accommodation would fail to outweigh the harm that would be caused to the living conditions of the occupiers of No.36. This harm could not be adequately addressed through the imposition of conditions.
10. I conclude that the proposed scheme would materially and unacceptably harm the living conditions of the occupiers of No.36 due to its visually overbearing impact and associated loss of daylight/sunlight. It would therefore conflict with policies BE1 and H8 of the UDP.

Elizabeth Lawrence

INSPECTOR