
Appeal Decision

Site visit made on 19 April 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/G5180/D/17/3170862

4 Cambray Road, Orpington BR6 0EE

- 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 Alexander Pastron against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05598/FULL6, dated 6 December 2016, was refused by notice dated 17 January 2017.
 - The development proposed is the erection of a single storey extension and extension of decking and steps
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey extension and extension of decking and steps at 4 Cambray Road, Orpington BR6 0EE in accordance with the terms of the application, Ref DC/16/05598/FULL6 dated 6 December 2016, and the plans submitted with it, 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: location plan; site plan; 4 plans referenced as 20161206 and annotated respectively as 'current elevations'; 'current floorplan'; 'proposed elevation' and 'proposed floorplan'.
 - 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) Prior to the commencement of any development, details of measures to protect the amenities of the occupiers of Nos 2 and 6 Cambray Road from any direct overlooking from the decking hereby permitted, shall be submitted to and approved in writing by the local planning authority. Such details shall include potential impact upon existing vegetation from foundations or drains, extent of removal of existing vegetation and any supplementary planting/screening. The approved measures shall be provided before the decking is first used and shall thereafter be retained in that form.

Procedural Matter

2. The description on the application form referred only to the rear extension and made no reference to the proposed new decking or steps. I have therefore used the description on the Council's decision notice in my decision above, as a more accurate representation of the works proposed.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers Nos 2 and 6 Cambray Road.

Reasons

4. The appeal property comprises a large detached house located on the eastern side of Cambray Road. At the rear there is a substantial deck spanning the full width of the property and which is raised above natural ground level as the rear garden drops in level towards the east. The property appears to have been rebuilt around 2003¹, replacing a bungalow which formally stood on the site. Either side of the property are two detached properties, Nos 2 and 6 Cambray Road, which are different in design.
5. The Council raises no objections to the proposed rear extension in terms of impact upon the adjoining occupiers, given its single storey nature and limited depth, and I see no reason to reach a different view. No objections are also raised to the physical impact of the proposed deck itself, the primary concerns being that existing vegetation cannot be guaranteed in the longer term and therefore there would be potential loss of privacy to the occupiers of Nos 2 and 6 because of direct overlooking.
6. Looking at the matter in general terms, I observed that there is already some degree of mutual overlooking of rear gardens between properties because of the falling ground levels at the rear. I also acknowledge the point that the appellant makes that were the existing vegetation on the boundary between Nos 4 and 6 to be removed, there would be mutual overlooking between the existing deck and patio of the two properties. However, it seems clear from the current situation that it has been in the interests of all the residents to retain boundary vegetation where possible in order to maintain privacy, and I have no reason to believe that will not be the case going forward. In that respect, I note the point made that the existing boundary vegetation evidently survived the rebuilding works in 2003, despite the proximity of the new building to that vegetation.
7. Looking at the relationship with No 6, there is a substantial laurel tree/hedge on the boundary at present which has been cut back relatively recently and would allow for the new works, albeit they would be in close proximity. However, the tree/hedge appears in good health and I noted substantial new growth at the top following lopping in the recent past. I also note that the proposed decking on this side would be angled away from the boundary with No 6 in order to allow for retention of the planting. Subject to careful consideration of building works and further selective lopping/ cutting back, I see no reason why that vegetation could not continue to provide screening.

¹ Application references 02/01180/FULL1 & 02/03571/FULL1.

8. With regard to No 2, the distance from the proposed deck to the boundary is slightly further away than that at No 6, at approximately 2 metres. There is also mature vegetation on this boundary, although it is more extensive than that indicated on the plans and in my view will also require some selective cutting back to facilitate the proposed deck. As above however, I see no reason why that could not be accommodated subject to careful working practices being carried out.
9. Because of the above, I agree with the appellant that the Council is being over cautious in suggesting that the long term survival of the vegetation cannot be guaranteed. Even if that were the case, the Council does not consider a condition would be appropriate because of the adverse visual impact that would result from any side screening erected on either side of the proposed deck. However, I do not share that concern in that if necessary, some form of modest screening, if carefully designed, would not in my view necessarily have an unacceptable impact. Furthermore, as the appellant points out, there are other measures which could be considered such as additional planting or some form of trellis fencing on one or both boundaries.
10. Drawing the above together, I find that whilst maintenance of existing vegetation could not be guaranteed, there should be no reason why some form of adequate screening could not be retained and it is clearly in the appellant's interests to do so in order to retain mutual privacy. That said, I acknowledge the Council's concerns on the matter and it seems to me that the specific details to ensure continuation of privacy need to be clarified. Such details would include foundation and drain design to ensure building works do not impact upon existing root systems, further details of extent of removal of existing vegetation and any additional supplementary screening measures that might be needed. I am satisfied that such details could be provided by means of a condition and that the measures would not necessarily require physical screening to either side of the deck. More likely, it will be a combination of measures to safeguard privacy but that would be a matter for further consideration between the appellant and the Council.
11. Subject to those further details being agreed, the proposed development would comply with Policies BE1 and H8 of the Council's Unitary Development Plan 2006, in that it would respect the amenity of occupiers of neighbours and be compatible with development in the surrounding area.
12. Apart from the condition referred to above, conditions requiring the development to be carried out in accordance with the approved plans, and for matching materials, are necessary in the interests of certainty and good design.
13. Accordingly, subject to the above, the appeal should be allowed and planning permission granted.

Kim Bennett

INSPECTOR