
Appeal Decision

Site visit made on 6 June 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/G5180/D/17/3172222

16 Forgefield, Biggin Hill, Westerham, Kent TN16 3DS

- 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 Gurney against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05730/FULL6, dated 12 December 2016, was refused by notice dated 22 February 2017.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of an adjacent residential property with particular reference to outlook.

Reasons

3. The appeal site is a two storey residential property adjoined to No 15 Forgefield. The property appears to have been previously extended by the addition of a part two storey pitched roof side and rear extension. The current proposal would partly fill the gap between the rear projection of the existing extension and the boundary of the neighbouring property, No 15.
 4. Following a previous refusal of planning permission the current proposal is for a flat roof two first floor rear extension with a maximum projection of approximately 2.6 metres which is chamfered to approximately 1.6 metres at its closest point to No 15. It would be set back only approximately 0.1 metres from the shared boundary. No 15 has a ground floor extension but no rear extensions at first floor level and there is an existing large bedroom window in the rear elevation situated close to No 16 where the proposed first floor rear extension would be situated.
 5. The proposal would create a large and bulky two storey extension close to the common boundary with a significant expanse of blank wall close to the rear bedroom window of No 15. Although the extension has been chamfered in order to reduce its massing the overall depth, height and massing would significantly harm the outlook of the occupants of No 15 due to the effect on the nearby bedroom window.
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6. Although the appellant contends that the proposal now meets the 45 degree sight line rule I am not aware of any specific reference to this rule in the adopted development plan. Although often used as guidance to assess the effect of a proposal on the living conditions of the occupants of neighbouring properties, of greater importance in this case are the requirements of the adopted development plan and specifically Policies BE1 (Design of New Development) and H8 (Residential Extensions) of the London Borough of Bromley Unitary Development Plan July 2006 (the UDP).
7. I have noted that in the Council's delegated report concern is expressed with regard to the level of overshadowing and loss of light to the first floor rear window of No 15. However, these do not feature in the reason for refusal and I therefore conclude that they were not significant enough to warrant the refusal of planning permission on those grounds. I have also noted that the Council's reason for refusal relates to visual amenity, although it is not clear what this actually means in relation to the living condition of neighbours.
8. Nonetheless, given the harmful effect of the proposed depth of the extension and resultant massing and bulk close to the neighbouring residential property I conclude that the proposal would have a harmful and unacceptable effect on the living conditions of the occupants of an adjacent residential property with particular reference to outlook. Therefore, it would conflict with Policies BE1 and H8 of the UDP which, among other things, seek to ensure that development respects the amenity of occupiers of neighbouring buildings and residential extensions should be compatible with development in the surrounding area.

Conclusion

9. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR