
Appeal Decision

Site visit made on 1 August 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 7 August 2017

Appeal Ref: APP/G5180/D/17/3173899
18 Hayes Chase, West Wickham BR4 0HZ

- 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 Jeremy Barton against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00030/FULL6, dated 5 January 2017, was refused by notice dated 21 March 2017.
 - The development proposed is a part one and part two storey side and rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a part one and part two storey side and rear extension at 18 Hayes Chase, West Wickham BR4 0HZ in accordance with the terms of the application, Ref DC/17/00030/FULL6, dated 5 January 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16011-01, 16011-05A, 16011-06A and 16011-07A.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area; and
 - ii) the effect of the proposal on the living conditions of adjacent occupants.

Reasons

Character and Appearance

3. The appeal property is a detached house of traditional design which is of similar appearance to the other houses along the road. It has an attached garage to

the side which is continuous with a ground floor extension to the rear. The similarity in appearance of the houses gives a unified character. I saw on my visit that some other houses have been extended to the side at first floor level but that extensions are set back and not prominent in the street scene. The proposed first floor extension would similarly be set back about 4.5m from the front wall of the house and in this respect would be in keeping with the character of the area.

4. Policy H9 of the Unitary Development Plan¹ (UDP) requires extensions of two storeys in height to normally retain a minimum 1 metre space from the side boundary of the site for the full height and length of the flank wall of the building. The supporting text explains that this is necessary to prevent a cramped appearance and unrelated terracing from occurring and to protect the high spatial standards that characterise the Borough's residential areas. The proposed first floor extension would provide this degree of separation from the boundary. This would not be for the full height of the building because the proposal would be above the existing ground floor extension which is already up to the side boundary. However the proposal would maintain an adequate degree of separation between the houses and I find no undue conflict with policy H9.
5. There is a group of protected trees in the rear garden of the property whose crowns are visible from the street above the roof of the house. Those tree crowns would remain visible above and to the side of the proposed extension and this would make little difference in this respect.
6. The design of the extension would match the existing house in terms of its general form and appearance. Its hipped roof would match the existing roof and would be subservient in scale. In these respects and for the reasons given above the proposal would accord with the requirement of policy BE1 of the UDP that development is of a high standard of design. The proposal would also accord with policy H8 of the UDP which has similar requirements in terms of extensions. For these reasons the proposal would have no adverse effect on the character and appearance of the area.

Living Conditions

7. The Council's reason for refusal concerns the effect of the proposed extension on the outlook of the neighbour at N^o 16. I saw on my visit that the ground floor of that dwelling has been extended to the rear. The proposal would extend no further back than the existing ground floor rear extension to the appeal property which is close to the rear of the neighbour's extension. It is unlikely that the proposal would have any significant effect on the outlook from the neighbour's rear ground floor windows.
8. At first floor level the proposal would project 4m to the rear of the existing dwelling and a similar distance in respect of the adjacent dwelling. The extension would however be separated from its neighbour by about 2m and the nearest rear window in the adjacent property at first floor level is set further away than this. Any view of the extension from the neighbour's window would be at an oblique angle. Taking into account the separation distance, I find that the neighbour's outlook would not be unduly harmed.

¹ London Borough of Bromley Unitary Development Plan (2006)

9. The rear gardens are quite spacious and in this context the scale of the rear projection would not be unduly dominant or oppressive. The Council considers that sunlight and daylight to the neighbour's property would not be harmed and I concur. The proposal would accord with the requirement of policy BE1 of the UDP which is to respect the amenity of neighbouring occupiers. For the reasons given I find that the proposal would not unduly harm the living conditions of the adjacent occupants.

Overall

10. I note that an extension has been approved by the Council and built at Nº 24. I was able to see this from the rear garden of the appeal property. It appears to be of similar dimensions to the proposal but full details in this respect are not before me. While this forms part of the context it is necessary to consider individual proposals on their merits and for this reason that extension does not have a significant bearing on my decision.

Conditions

11. A condition is necessary to ensure that development is in accordance with the approved plans in order to provide certainty. A condition is also necessary to require approval of details of materials in order to ensure that the appearance of the development is acceptable.

Conclusion

12. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR