



Appeal Decision

Site visit made on 14 November 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 27TH November 2017

Appeal Ref: APP/G5180/D/17/3181221

35 Hood Avenue, Orpington BR5 2EE

- 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 Oladayo Omowale against the decision of the Council of the London Borough of Bromley.
 - The application Ref 17/01721/FULL6, dated 12 April 2017, was refused by notice dated 6 July 2017.
 - The development proposed is described as "part one/two storey side/rear extension (amendment to planning ref: 14/00594/FULL6)".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the appeal form as this is more accurate than that given on the application form.
3. Planning permission has been granted for side and rear extensions at the property, Ref 14/00594/FULL6, dated 28 April 2014. I have taken this permission into account in my consideration of the appeal.
4. I saw from my site visit that the development has commenced and the external walls and roof have been constructed. The development has not been carried out in accordance with the approved plans, and the appeal seeks retrospective approval for what has been built. The differences include the retention and conversion of the single garage, and an increase in depth of the single storey rear extension from 3 metres to 4 metres. For the avoidance of doubt, I have dealt with the appeal on the basis of the proposed plans and elevations (Ref UK-35-HOOD-AV-WK-01) and the existing and proposed site plans (Ref UK-35-HOOD-AV-PL-02-1), as that is what was submitted to the Council and is the development on which interested people's views were sought.

Main Issues

5. The main issues are the effect of the development on: (i) the living conditions of the occupiers of No 37 Hood Avenue, with regard to outlook and; (ii) the character and appearance of the street scene.

Reasons

Living Conditions

6. The ground floor of the rear extension extends from the side boundary with No 37, across the full width of the house, to within 1 metre of the boundary with No 33. A first floor has been built over part of the ground floor extension.
7. The adjoining semi-detached house, No 37, has not been extended and has a ground floor window to a main habitable room on the rear elevation, close to the boundary. Although it is single-storey and has a flat roof, the blank wall of the development is an imposing feature that is likely to be highly visible from the neighbour's window. Due to its size and siting, the completed extension would dominate views from the neighbour's window and it would adversely affect the outlook from the room. I appreciate that the Council found the originally proposed 3 metre extension to be acceptable. Nonetheless, I consider that the increase in size to 4 metres is material and, consequently, the development would have an adverse effect on the neighbour's living conditions and enjoyment of their property.
8. The appellant refers to an extension at No 39 but the details of this are not before me, and I am unable to judge whether the site specific circumstances are comparable to this appeal. In any event, I am not persuaded that a scheme that may have been approved elsewhere would justify the appeal proposal.
9. I have considered the relationship of the appeal property to the neighbour's house in respect of the sun's trajectory, and I agree that the effect on levels of sunlight would be limited. However, this is a different issue to outlook, which is about views from a particular place. In this case, the views from the rear of the neighbour's house are now likely to be dominated by a blank wall, which I consider to be harmful. I have taken the boundary treatment into account, but this is minimal and would not provide effective screening.
10. To conclude on this matter, I find that the size of the single storey rear extension, in combination with its proximity to the neighbour's window, would result in a loss of outlook that would be detrimental to the living conditions of neighbouring occupiers. Therefore, the development is contrary to Policies BE1 and H8 of the Unitary Development Plan 2006 (UDP) which, amongst other things, seek to ensure that the living conditions of adjoining occupiers are protected and that development is compatible with the surrounding area.

Character and Appearance

11. The appeal property is a semi-detached house located within a residential area, characterised by similar properties. The development includes a two-storey side extension with a hipped roof that is set back from the front elevation of the property. The ground floor extends to the side boundary and occupies the footprint of a single garage. The upper floor of the side extension is set back from the side boundary by 1 metre.
12. The Council is concerned that that the side extension contravenes the requirements of Policy H9 of the UDP. This normally requires a 1 metre space to be retained between a two-storey extension and the side boundary in order to prevent a terracing effect. Although the ground floor of the development extends up to the side boundary, it replaces an original garage. I saw from my site visit that No 37 has a similar side garage. Moreover, there are many

examples of other extensions, both single and two-storey, along Hood Avenue, and several of these have been built up to the side boundary. Most of these are set back from the front elevation of the houses, similar to the appeal proposal, which avoids a terracing effect.

13. The established character of the area has evolved and is far from uniform. The completed development would not comply with the policy in that a set back from the side boundary would not be achieved at ground floor level. However, the first floor retains the required separation and the extension is set back from the front elevation. Consequently, the extension would not lead to a terracing effect. Given the variable character of the street scene, and proliferation of other extensions in the area, I do not consider that the completed development would be harmful to the character and appearance of the area.
14. I conclude on this matter that the development would meet the aims of Policies BE1, H8 and H9 of the UDP which, in combination, seek to promote good design and ensure development respects the established character of the area.

Conclusion

15. The appellant argues that any harm should be balanced against the social and economic benefits of the proposal. However, these are limited and do not outweigh the harm that I have identified above, in respect of the impact on the living conditions of adjoining occupiers.
16. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector