



Appeal Decision

Site visit made on 15 November 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 01 December 2017

Appeal Ref: APP/G5180/W/17/3181866

8 Hunts Mead Close, Chislehurst, London BR7 5SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr G Raileanu against the Council of the London Borough of Bromley.
 - The application Ref 17/03155/FULL6, is dated 18 May 2017.
 - The development proposed is a single storey outbuilding to house an existing swimming pool.
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Procedural Matters

1. The application which is the subject of this appeal followed an earlier application for a similar development which was refused by the Council. The Council does not contest this appeal. The Council's description of the appeal development differs from that in the planning application. I consider that the Council's description better describes the proposal, and I have therefore considered the appeal on this basis as set out below.

Decision

2. The appeal is allowed and planning permission is granted for a single storey outbuilding to house a swimming pool at 8 Hunts Mead Close, Chislehurst, London BR7 5SE in accordance with the terms of the application Ref 17/03155/FULL6, dated 18 May 2017, and subject to the conditions listed at the end of this decision.

Reasons

3. I consider the main issue in this case to be the effect of the proposal on the living conditions of the occupiers of No 7 Hunts Mead Close in relation to outlook. The garden at No 7 is generally at a lower level than that at the appeal property, and it widens towards its rear boundary. The side boundary between No 7 and the appeal property is therefore only visible at an oblique angle from the rear facing windows at No 7. The widening also results in the boundary being set away from the more sensitive areas of the rear garden of No 7 immediately to the rear of the house.
4. The rear garden of the appeal property contains an outdoor swimming pool, the edge of which is in close proximity to the garden boundary with No 7. The edge of the pool is built up generally to the height of a traditional garden fence above the ground level where the garden boundary is nearest the

houses. This level difference however reduces further from the houses as the garden levels rise.

5. The side wall of the proposal would have a height of some 2m and would lie parallel to, and offset 2.5m from, this boundary. The base of the wall would however be set below the level of the edge of the existing pool, and its height would reach just over 1m from the height of the edge of the pool. As a result of the location of the boundary, the limited height of the side wall above the existing pool edge, the offset of the side wall from the boundary and the gentle curve of the roof slope away from the boundary, I do not consider that the proposal would be visually intrusive to the occupiers of No 7. The proposal therefore would respect the amenity of neighbouring occupiers as required by UDP¹ Policy BE1. I therefore conclude that the proposal would not have an adverse effect on the living conditions of the occupiers of No 7 Hunts Mead Close in relation to outlook and that it thus would not conflict with UDP Policy BE1.
6. The application describes the finish of the proposed walls to be of white weatherboard. A condition suggested by the Council however requires the external surfaces of the development to, as far as practicable, match those of the existing building. The existing building is not defined, and I consider that it would be better, and reduce the potential for the building to be overly prominent, for external material details to be subject to approval by the Council under a condition. It would also be necessary that the proposed development should be undertaken in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition would therefore also be required to define the approved plans.
7. Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of policy as a whole. For the reasons given above, I conclude that the appeal should be allowed.

Stephen Roscoe

INSPECTOR

¹ London Borough of Bromley: Unitary Development Plan: July 2006

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:

Existing Ground Floor	16080GR-PP-01
Section A:A	16080GR-PP-02
Section B:B	16080GR-PP-03
Section C:C	16080GR-PP-04
Section D:D	16080GR-PP-05
Proposed Ground Floor	16080GR-PP-06
Proposed Section A:A	16080GR-PP-07
Proposed Section B:B	16080GR-PP-08
Proposed Section C:C	16080GR-PP-09
Proposed Section D:D	16080GR-PP-10
Proposed Elevations	16080GR-PP-11
Site Location Plan	16080GR-PP-12
Block Plan	16080GR-PP-13
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building 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.
