
Appeal Decision

Site visit made on 28 November 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 8 December 2017

Appeal Ref: APP/G5180/D/17/3181087

11, St Keverne Road, Mottingham, London, SE9 4AA

- 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 Kevin Norton against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/02296/FULL6, dated 17 May 2017, was refused by notice dated 11 July 2017.
 - The development proposed is a single storey rear and side extension to the existing terrace property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the extension upon the living conditions of the occupiers of 13 St Keverne Road.

Reasons

3. The extension, which replaces a conservatory, has been partially constructed. The external walls have been built but the roof was not completed at the time of my visit, however, the extent of the construction made it easy to judge its effect upon next door.
4. The completed extension would be some 3.3m high and is constructed along the common boundary. It projects some 5.4m beyond the kitchen window of No 13 which is close to the side elevation of the extension. The height and length of the extension results in it being a large and obtrusive structure when viewed from No 13. This has a significantly overbearing and enclosing effect upon the outlook from a significant section of the garden of No 13 and from the kitchen window. The extension will also unacceptably reduce the amount of daylight to the kitchen. I appreciate that the neighbour has not made an objection but this is not a determinative factor in my assessment.
5. I therefore conclude that the extension has a harmful effect upon the living conditions of the occupiers of No 13. Consequently, the extension is contrary to Policy BE1 of the Bromley Unitary Development Plan (2006) which seeks to ensure that development respects the amenity of occupiers of neighbouring buildings. The Council, in its decision notice, also refers to UDP Policy H8 but this relates to the character and appearance of development rather than residential amenity and I have no reason to find conflict with this policy.

6. I note the appellant's reference to an appeal decision for a rear extension¹ nearby. However, in that decision the Inspector gave weight to a similar proposal that had permission under the Prior Approval scheme, believing that the permitted scheme would be implemented should the appeal fail. However, in the current case, although the Council determined that Prior Approval would not be required for an extension similar to the current appeal scheme, it subsequently refused a Certificate of Lawfulness for that scheme. Therefore, a realistic fall-back position has not been put to me and so the circumstances of the appeal before me and the other appeal are materially different.
7. I understand the appellant's frustration with the Council. However, the behaviour of the Council has not influenced my decision because I can only consider the planning merits of the case.
8. The appeal is therefore dismissed.

Siobhan Watson

INSPECTOR

¹ APP/G5180/D/16/3146125