



Appeal Decision

Site visit made on 12 December 2017

by Nicholas Taylor BA(Hons) MRTPI

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

Decision date: 8th January 2018

Appeal Ref: APP/G5180/D/17/3181502

133 Sevenoaks Way, St Paul's Cray, Orpington, Bromley BR5 3AQ

- 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 James Hills against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/02107/FULL6, dated 4 May 2017, was refused by notice dated 11 July 2017.
 - The development proposed is 'demolition of an existing conservatory across footprint and into rear garden build: single storey habitable extension (all works to rear of existing bungalow)'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing conservatory across footprint and into rear garden build: single storey habitable extension (all works to rear of existing bungalow) at 133 Sevenoaks Way, St Paul's Cray, Orpington, Bromley BR5 3AQ in accordance with the terms of the application, Ref DC/17/02107/FULL6, dated 4 May 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: drawings numbered 133S.O.W.3 Rev A, 133S.O.W.4 Rev A, 133S.O.W.6 Rev A and 133S.O.W.7 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions, in terms of outlook and light, of the occupiers of the adjacent properties at 131 and 135 Sevenoaks Way.

Reasons

3. The appeal property is a semi-detached bungalow. It and the two adjacent properties have large rear gardens. The proposed development would involve removal of a 3.1 metre deep conservatory (as dimensioned on the submitted

drawing)), attached to the rear of an existing, probably original, rear projection of the bungalow. In its place, a much larger (approximately 8 x 6 metres), single storey, flat-roofed extension would project out into the garden. The extension would be roughly 3 metres high but, according to dimensions on the drawings, would stand 2.85 metres from the side boundary with No. 131 and slightly less at its narrowest point from the boundary with No. 135.

4. Although the proposed extension would be very long and wide, this degree of separation from the boundary would considerably reduce its visual impact on the adjoining occupiers, whether inside their properties or in the gardens. Indeed, the likelihood of any significant impact would be further reduced by the high and dense boundary hedges between the properties. That between the appeal property and No. 131 is currently above eaves height at the back of the buildings and only becomes slightly lower further away. I am mindful that, if the hedge were to be removed or significantly reduced in height in the future, a 2 metre high wall or fence could be erected within permitted development limits.
5. The roof of the extension would be a significant feature in the view from the dormer windows of No. 131 but would not be over-dominant in the context of the large gardens and overall outlook to the rear. Similarly, No. 135 has been significantly extended at the rear and has only low-angled Velux-type roof windows in the rear roof slope.
6. Although the Council considers the overall size and scale of the proposed extension would be excessive, it acknowledges that it would have limited impact on character and appearance of the area and considers the overall design to be satisfactory. For the reasons given, I consider that the scheme would be unlikely to have a harmful effect on the outlook from either of the adjacent occupiers' properties.
7. In view of its height, separation from the boundaries and the character of those boundaries, the proposed development would be unlikely to reduce light to either adjacent property to any harmful extent. At the time of my site visit, in Winter sunshine, when shadows are at their greatest extent, existing structures and planting were already casting long shadows across the gardens and onto the hedge between Nos. 133 and 131. This indicates that the proposed extension would be unlikely to seriously exacerbate the amount of direct sunlight currently falling on No. 131 or its garden, even though these lie to the north.
8. Overall, therefore, the proposal would not have a significantly harmful effect on the living conditions of the occupiers of either adjacent property. Accordingly, there would be no conflict with Policy BE1 of the *London Borough of Bromley Unitary Development Plan*, which concerns the design of new development including, among other things, the amenity of occupiers of neighbouring buildings. The Council refers in passing in its report to other policies and local guidance, including its emerging *Local Plan*. Examination of this is currently underway but neither party seeks to rely on it in their evidence. Overall, I am satisfied that the proposal would comply with the development plan as a whole and with the *National Planning Policy Framework*.

Conditions

9. I have considered the Council's suggested conditions in the light of national planning policy and guidance¹ and for succinctness and clarity. In addition to the usual commencement condition, it is necessary, in the interests of proper planning and for the avoidance of doubt, to specify the approved plans. A condition requiring external materials to match those of the existing property, which the appellant states is to be re-surfaced, is necessary in the interests of the character and appearance of the area.
10. Although it has not specifically suggested such a condition, the Council refers in its delegated report to the desirability of securing a replacement for an apple tree which is to be removed. I consider that such a condition is unnecessary to the maintenance of the character and appearance of the area.
11. The Council states that it is satisfied that the proposed floor levels and other resilience measures as detailed in the application would mitigate any flood risk but has not suggested a specific condition to secure compliance. I see no strong reason to disagree in this case.

Conclusion

12. For the reasons set out above, the appeal should be allowed, subject to the conditions specified above.

Nicholas Taylor

INSPECTOR

¹ *National Planning Policy Framework* (paragraphs 203 and 206) and *Planning Practice Guidance* (Use of Conditions)