
Appeal Decision

Site visit made on 1 July 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/G5180/D/19/3228063

94 Overbury Avenue, Beckenham BR3 6PY

- 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 Darren and Sharon Stanley against the decision of London Borough of Bromley Council.
 - The application Ref DC/18/04853/FULL6, dated 29 October 2018, was refused by notice dated 14 February 2019.
 - The development is 'demolition of an existing single storey extension to an existing dwelling and construction of a new 6m single storey rear extension, associated landscaping to rear and all ancillary site works'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing single storey extension to an existing dwelling and construction of a new 6m single storey rear extension, associated landscaping to rear and all ancillary site works at 94 Overbury Avenue, Beckenham BR3 6PY, in accordance with the application, Ref DC/18/04853/FULL6, dated 29 October 2018 subject to the following 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 approved plans: 11, 10, 20, 51, 61, 100 and unnumbered plan at 1:1250 scale.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. At the time the site visit was undertaken, the existing rear extension had been demolished and building work was underway to construct a new extension at the property. It was not clear if that development is that subject of this appeal.

Main Issue

4. The main issue is the effect of the extension on the living conditions of the occupiers of 92 Overbury Avenue with regard to outlook and light.

Reasons for the Recommendation

5. 92 Overbury Avenue is located to the south west of the appeal property and has a number of flank windows facing the appeal property and garden. Three of the flank windows would directly face the proposed extension.
6. The proposed development would be set back from the boundary and, coupled with the single storey height of the extension, it is considered that there would be sufficient space between the extension and the neighbour's windows to allow a good amount of natural light to be received by this adjacent property and for the extension not to feel overbearing from there. Also the orientation of 92 Overbury Avenue to the south west of the appeal property will mean the amount of sunlight received by those facing windows will not be significantly impeded.
7. Although the extension will be clearly visible from the flank windows at No. 92, the effect of the proposed development on the living conditions of the occupiers with respect to outlook and light would be acceptable. On this basis, the proposed development would accord with Policy 37 of the Local Plan (January 2019) which requires development to respect relationships with existing buildings and to allow for adequate daylight to penetrate in and between buildings.

Conditions

8. I have imposed the standard conditions relating to the commencement of development, on the basis that the development already underway is not that subject of this appeal, and specifying the relevant plans in order to provide certainty. I have included a condition requiring the external materials to match the existing building to protect the character and appearance of the area.

Conclusion and Recommendation

9. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR