The Planning Inspectorate

Appeal Decision

Site visit made on 24 June 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Appeal Ref: APP/G5180/D/19/3226491
42 Addington Road, West Wickham BR4 9BS

- 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 Mark Willis against the decision of the London Borough of Bromley Council.
- The application Ref DC/19/00430/FULL6, dated 23 January 2019, was refused by notice dated 12 March 2019.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring residential occupiers at 44 Addington Road (No 44), having regard to light, outlook and visual impact.

Reasons

3. Most of the floor level of the proposed extension would be at rear garden level, which is approximately 1.2 metres below the ground floor level of the existing house rear terrace area. The proposal maintains the separating distance between No 42 and No 44, which is typical between detached properties in this area. On this side of the proposal the roof would be part flat and part pitched, sloping down to reflect the change between the rear garden and terrace levels.

4. Although the existing separating gap between the houses at No 42 and No 44 would be matched by the proposal, the extension would project approximately 8 metres beyond the rear wall of the original house. Even when combined with the change in levels between the rear garden and terrace, this projection would result in the extension being experienced as overbearing and visually intrusive when viewed from the rear of No 44.

5. Although the rear of No 44 faces towards the north west, the change in levels and extent of the projection of the proposal would result in some overshadowing and loss of light to ground floor rear rooms and rear garden of No 44 nearest to the boundary. This overshadowing and loss of light would be in the early morning and would be greater during the winter months. Although this would not be decisive on its own, it would add to the overall harm to the living conditions of No 44.

6. The proposal would therefore cause loss of light and outlook and would be visually intrusive to the residential occupiers at No 44 to the degree that it would result in unacceptable harm to their living conditions. As such it would be contrary to Policies 6 and 37 of the London Borough of Bromley Local Plan 2019, which concern the protection of living conditions as far as they seek to ensure that development is compatible with existing development in the local area and respects the amenity of occupiers of neighbouring buildings.

Other Matters

7. Notwithstanding the permitted development rights afforded to the host property under the General Permitted Development Order, I have no substantive evidence before me that suggests that this would be likely to take place and so it attracts limited weight in my decision.

8. The unimplemented planning approval[1] for an additional rear extension to the appeal property that the appellant has brought to my attention, does not project to the rear to the same degree as what is before me to consider and, hence, it would not result in the same level of detrimental effects to the living conditions of the occupiers of No 44.

9. The proposal would not have an unacceptable effect on the character and appearance of the area and on the living conditions of the occupiers of the neighbouring properties in other respects. However, this would not outweigh the harm that would arise to the living conditions of the occupiers of No 44 by way of light, outlook and visual impact.

Conclusion

10. For the above reasons, the appeal is dismissed.

Victor Callister

INSPECTOR

[1] Planning Ref: 14/036339/FULL6