



Appeal Decision

Site visit made on 11 July 2019

by R J Maile BSc FRICS

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/G5180/D/19/3228899

79 Chatham Avenue, Bromley, Kent, BR2 7QE.

- 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 and Mrs M Belton against the decision of the Council of the London Borough of Bromley.
 - The application ref: DC/19/01005/FULL6, dated 27 February 2019, was refused by notice dated 24 April 2019.
 - The development proposed is demolition of existing conservatory and garage; erection of single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and garage; erection of single storey extension at 79 Chatham Avenue, Bromley, Kent, BR2 7QE, in accordance with the terms of the application ref: DC/19/01005/FULL6, dated 27 February 2019, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. CHA-ICG-0001, CHA-ICG-0002.

Main Issue

2. The main issue in this case is the effect of the single storey extension upon the living conditions of existing and future residents of 81 Chatham Avenue by way of loss of outlook, daylight and prospect.

Reasons

3. 78 Chatham Avenue forms one of a pair of inter-war, semi-detached houses that is located within an area of similar properties. It has been the subject of alterations to create accommodation within the roof space incorporating a hip to gable extension with rear-facing dormer windows.

4. It is proposed to demolish the existing rear conservatory and detached single garage and to erect a full-width, single storey extension projecting rearwards beyond the existing conservatory. The new extension would incorporate a lean-to roof and be sited immediately abutting the boundary with 81 Chatham Avenue. That property has at some time been extended at ground floor level with a full width enclosed pergola, which is set marginally away from the close boarded fence separating the two properties.
5. National policy at Chapter 12 of the Framework¹ seeks the creation of high quality buildings that are sympathetic to local character, including the surrounding built development. Policy 37 of the Local Plan² similarly requires all proposals to be of a high standard of design and layout. Developments will be expected to allow for adequate daylight and sunlight to penetrate in and between buildings whilst respecting the amenity of occupiers of neighbouring buildings by ensuring that they are not harmed by inadequate privacy or by overshadowing.
6. As part of my site visit I was able to view the proposed extension from within the garden of no. 79. It was also possible for me to obtain a bird's eye view of its relationship with no. 81 next door from the Juliet balcony of the rear-facing dormer window.
7. The rear section of the proposed extension that would project beyond the rear of the existing conservatory would have a sloping roof. As such, the increase in built development as viewed from no. 81 would be of limited proportions and would be further reduced given the existence of a close boarded fence some 1.65m in height. The extent of the additional bulk is clearly indicated on the sectional drawing, no. CHA-ICG-0001.
8. No. 81 is situated to the northwest of the subject property. I am satisfied from the observations that I made on site and from the sun path analysis at Figure 10 of the grounds of appeal that no. 81 would continue to enjoy high levels of daylight and sunlight for most of the day. I am also satisfied, notwithstanding that the proposed extension would be more visible as viewed from no. 81, that it would have only a minimal impact upon the outlook and prospect enjoyed by the occupiers of that property; neither would it result in any loss of privacy.
9. I therefore find upon the main issue that development as proposed would not give rise to any unacceptable effect upon the living conditions of existing and future residents of 81 Chatham Avenue by way of loss of outlook, daylight or prospect and that it would accord with the design and amenity protection aims of national policy at Chapter 12 of the Framework and Policy 37 of the Local Plan, as referred to above.

Conditions

10. I have considered the three conditions put forward by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. I agree that all are reasonable and necessary in the circumstances of this case, my reasons for them being:
11. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning 1990. Condition 2 will

¹ The National Planning Policy Framework (February 2019).

² London Borough of Bromley Local Development Framework: Local Plan (January 2019).

ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area, while Condition 3 provides certainty.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR