

Appeal Decision

Site visit made on 16 July 2019

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/G5180/D/19/3226605

40 Greencourt Road, Petts Wood, Orpington, BR5 1QW

- 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 Smith against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00427/FULL6, dated 24 January 2019, was refused by notice dated 4 April 2019.
 - The development proposed is the erection of a single-storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions at 42 Greencourt Road with particular regard to visual impact.

Reasons

3. The appeal property is a semi-detached, two-storey dwelling located within a residential area of similar age and type properties. It is proposed to erect a single-storey extension to the rear across virtually the full width of the dwelling, to a depth of 5.175m. The extension would have a flat roof, with a height to the top of its parapet measuring 3.7m according to the Council.
4. The attached property at No 42 has an existing single-storey extension to the rear. This measures just over 1.7m deep with a mono-pitched roof over and immediately adjoins the common boundary between both properties.
5. The appeal proposal would extend almost 3.5m beyond the depth of the neighbour's extension. Despite a suggestion by the appellant that its height would compare with the eaves height of the adjoining extension, the drawings show that the height of the parapet wall would be just a little below the cill height of the first-floor bedroom window. This would appear to be comparable with the maximum height of the roof to the extension at No 42 rather than its eaves. It would also be considerably taller than any conventional residential boundary enclosure. The flank wall of the extension would be tall and deep,

projecting for a considerable distance adjacent to the boundary. Although its impact upon the outlook from the living space within No 42 would be restricted to some degree by the depth of the adjoining extension, in my assessment it would still impose itself as an overbearing and dominant structure when seen from the neighbour's property. Its undue sense of enclosure to the rear would be atypical for the otherwise open and expansive outlook that is generally enjoyed by the occupiers of homes in the area. In this regard it would diminish the neighbour's enjoyment of their living space and garden area immediately to the back of their property.

6. I have carefully considered the appellant's argument that the extension would be comparable in many ways to that which could normally be constructed as permitted development. However, at over 5m deep this would be well beyond the 3m that is normally allowed for a semi-detached dwelling. Its depth beyond the neighbour's extension would also exceed this amount. Although its height may be within the tolerance of permitted development limits, it is the combined height and depth of the extension which creates a bulk of new building that would negatively impact upon the neighbours' amenity.
7. It has been suggested that the extension would be of a size equivalent to others that have been permitted within the area but I was unable to detect any to nearby properties when looking from the appeal site. Neither have any specific examples been drawn to my attention. In any case, I have considered the appeal based upon its own merits.

Other matters

8. The neighbour has raised some concern about daylight and sunlight. The properties are south facing, and I accept that there would be some potential for the extension to overshadow the rear part of No 42 during the second half of the day. However, I am not persuaded that this would impact significantly upon the neighbour's living conditions. Neither do I consider that there would be any significant impact upon natural daylight to the adjoining living space. I note also that the Council did not raise any concerns in this regard.
9. Matters relating to the potential impact upon the neighbour's nearby tree would be a civil matter.
10. I appreciate that the additional space is required by the appellant to accommodate his growing family, but this does not outweigh the harm that I have identified from an extension of the size proposed.

Conclusion

11. For the reasons given, I find that by reason of its height, depth, and proximity to the boundary with No 42, the extension would be harmful to the neighbour's living conditions. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR