



Appeal Decision

Site visit made on 16 July 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2019

Appeal Ref: APP/G5180/W/19/3222284

Ground Floor Flat, 71A Venner Road, Sydenham, London SE26 5HU

- 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 M Piras against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04387/FULL1, dated 26 September 2018, was refused by notice dated 30 November 2018.
 - The development proposed is a single storey rear and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and side extension in accordance with the terms of the application, Ref DC/18/04387/FULL1, dated 26 September 2018, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than 3 years from the date of this decision notice.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL/71VR/01A, PL/71VR/02
 - 3) The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building.

Procedural Matters

2. Following the Council's decision on the application that led to this appeal there have been revisions to the Framework contained in the new version published in February 2019. No changes have been made to the content directly relevant to the main issues of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.
3. From the evidence submitted I see that during the course of this appeal the London Borough of Bromley formally adopted the Local Development Framework Local Plan London Borough of Bromley Planning Division January 2019 (the Local Plan). Both main parties have had the opportunity to submit comments on the relevance of the Local Plan to this case. I have taken the Local Plan into account in my reasoning and for the reasons above I do not consider the parties would be prejudiced as a result of me doing so.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with particular reference to 69 Venner Road.

Reasons

5. The proposed extension is annotated on the submitted drawings to be 2.1m high where it meets the boundary with 69 Venner Road. Although the extension is relatively long, relief is provided by the proposed internal courtyard. Also, a reasonable length of the shared boundary would remain undeveloped to the rear of the plots. Furthermore, the extension infilling part of the side return would be viewed in the foreground of the existing three storey outrigger. As such the proposed extension would not result in a harmful loss of outlook, sense of enclosure, tunnelling effect or visual impact to the windows at 69 Venner Road.
6. I note that the proposed extension is shown to be broadly to the south of No 69, however due to its relatively low height along the boundary, and its size and location in relation to the existing three storey outrigger it would be unlikely to cause a harmful loss of light to No 69.
7. For the reasons above I conclude that the proposed development would not have a harmful effect on the living conditions of neighbouring occupiers with particular reference to 69 Venner Road. As such, in this respect, it would not be contrary to the policy I find to be most relevant to this main issue: Policy 37 of the Local Plan which, amongst other things, requires all development to be of a high standard of design and layout by meeting relevant criteria including allowing for adequate daylight and sunlight to penetrate between buildings and respecting the amenity of occupiers of neighbouring buildings.

Other Matters

8. I have been provided with an appeal decision for a nearby site¹. However, I note that this relates to an application for prior approval rather than full planning permission. I have also been provided with some details relating to a nearby planning permission². However, this is within a different Borough and therefore is likely to be subject to different policies. In addition, the Council refers to other nearby applications that have been refused³ in their evidence, but I am not provided with the full details of these cases. For the reasons given, I afford limited weight to the specific circumstances of the appeals and applications referred to above.

Conditions and Conclusion

9. I have considered the Council's suggested conditions against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
10. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. A condition requiring the scheme to be built in materials to match the existing

¹ APP/G5180/D/19/3220037

² DC/18/105278

³ 18/00666/FULL6, 18/02384/FULL1

building would be necessary in the interests of the character and appearance of the area.

11. For the reasons above, and subject to the conditions listed, I conclude that this appeal should be allowed.

H Miles

INSPECTOR