



Appeal Decision

Site visit made on 2 July 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/G5180/D/19/3226141

6 Aviemore Way, Beckenham, Kent BR3 3RR

- 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 Adams against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/05132/FULL6, dated 15 November 2018, was refused by notice dated 7 March 2019.
 - The development proposed is a single storey rear extension and installation of ground floor WC.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and installation of ground floor WC at 6 Aviemore Way, Beckenham, Kent BR3 3RR in accordance with the terms of the application, Ref DC/18/05132/FULL6, dated 15 November 2018, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 6-AVIEMORE-WAY-01 (Rev.A), 6-AVIEMORE-WAY-02 (Rev.D).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Procedural Matter

2. On 16 January 2019 the Council adopted a new Local Plan which replaced the previous saved policies of the 2006 Bromley Unitary Development Plan (the UDP). UDP Policy BE1 was replaced by Local Plan Policy 37, and UDP Policy H8 by Local Plan Policy 6. The decision notice issued on 7 March 2019 only referred to the superseded UDP policies, although the relevant new Local Plan policies had been referenced in the Council's officer report. I have determined the appeal on the basis of the policies in the 2019 Local Plan.

Main Issue

3. The main issue is the effect of the proposed development on living conditions for occupants of the neighbouring property at 4 Aviemore Way, having particular regard to light and outlook.

Reasons

4. The appeal property is a two storey, mid-terraced house on the western side of Aviemore Way. Like its neighbours on either side, it has a narrow but relatively long back garden. No 6 currently has a rear conservatory which is around 2.5 metres deep and extends across approximately half the width of the house adjacent to the boundary with No 8, while there are no extensions to either of the adjoining properties.
5. The proposed development would replace the conservatory with a single storey rear extension approximately 3.5 metres deep and 2.9 metres high running, to all intents and purposes, across the full width of the property.
6. The extension would be larger than the existing conservatory, and built very close to the boundary with No 4 to the north. Just beyond the boundary fence is a glazed door which gives access to the kitchen of No 4. While the proposed extension would lead to some reduction in daylight and sunlight reaching this door and would slightly constrict the outlook from the kitchen, as this is not a habitable room I am not persuaded that this effect would be significantly harmful. No 4 also has a large patio door on the side further away from No 6. The single storey height and flat roofed design of the proposed extension, as well as the greater separation distance, mean that any reduction of light to or outlook from the room served by that door would be minor. I therefore do not consider that there would be any unacceptable harm caused to the living conditions for the occupiers of No 4 as a result.
7. The proposed extension would of course be more visible to the occupiers of No 4 than is the current conservatory at No 6. Given that all the properties in this block have reasonably long gardens, the combination of the proposed extension at No 6 and the existing rear extension at No 2 would not create an unacceptable enclosing or 'tunnelling' effect in the outlook from No 4. Consequently I consider that the proposed development would not be visually dominant or intrusive.
8. I therefore conclude that the proposed development would comply with the requirements of Policies 6 and 37 of the January 2019 Bromley Local Plan, which together seek to ensure that extensions are compatible with development in the surrounding area and respect the amenity of occupiers of neighbouring buildings.

Other matters

9. An extension 3 metres in depth, with an eaves height of 3 metres and a ridge height of 4 metres could be built without planning permission under the provisions of the Class A, Part 1, Schedule 2 of the General Permitted Development Order 2015 (as amended). The appellant has indicated that this is an option they would pursue if this appeal were to be dismissed and, given the appellant's recent history of seeking permission to extend the property it seems likely that they would. However, any such extension would be slightly less significant in scale than the proposal now before me, with a

correspondingly reduced effect on neighbours' living conditions. I have therefore given it limited weight as a fallback position, and considered the current proposal on its own merits.

10. A number of other matters have been raised by interested parties, including flooding occurring due to a high water table in the area, but no evidence has been presented to indicate why or how the proposed development would cause or exacerbate existing known problems. The question of whether constructing the proposed extension would require drains within neighbouring properties to be disturbed or moved would be a private matter between the parties involved, and is not an issue for a planning appeal to adjudicate on.

Conditions

11. In addition to the standard time limit condition I have specified the approved plans so as to provide certainty. In order to protect the character and appearance of the area I have also included a condition requiring materials matching the existing dwelling to be used for the extension.
12. In light of interested parties' comments about drains referred to above, the Council suggested that if the appeal were to be allowed an informative should be added advising the appellant to contact Thames Water. While this may be good advice in any event, given the lack of specific evidence before me about drainage problems it is not something which can lead to a necessary, relevant or precise condition, as required by the National Planning Policy Framework.

Conclusion

13. For the reasons given above, and having had regard to all other relevant matters raised I conclude that the proposal complies with the development plan as a whole, and the appeal should be allowed.

M Cryan

Inspector