



Appeal Decision

Site visit made on 11 November 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/G5180/D/19/3236316

Bywood, Manor Park, Chislehurst BR7 5QD

- 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 Mrs Lyn Matthews against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00890/FULL6, dated 11 February 2019, was refused by notice dated 13 June 2019.
 - The development proposed is the demolition of an existing single storey garage and brick chimney stack and construction of a single storey side and rear extension.
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Decision

1. The appeal is allowed, and planning permission granted for the demolition of an existing single storey garage and brick chimney stack and construction of a single storey side and rear extension at Bywood, Manor Park, Chislehurst BR7 5QD, in accordance with the terms of application Ref DC/19/00890/FULL6 dated 11 February 2019, and 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 approved plans reference 16021/A-001 rev A1 site location plan, 16021/B-051 rev A2 proposed floor plans, section AA & elevations, 16021/B-050 rev A1 proposed site block plan.
 - 3) Prior to their use details/samples of the proposed roof tiles and shiplap timber cladding, to be used on the extension hereby permitted, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
 - 4) The extension hereby permitted shall not be occupied until the bathroom window proposed on the side elevation, facing Bedans and to the west of the site, has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Preliminary matters

2. On my visit I was unable to gain access to the rear of the appeal site. However, I was able to appraise the effects of the proposal from the rear garden of Bedans and the driveway to the front of the appeal property. I am therefore satisfied that my visit allowed me to gain a full understanding of the effects of the proposal without prejudice to any party.

Main Issue

3. The main issue is the effect of the proposed extensions on the living conditions of the neighbouring property of 'Bedans', with particular regard to sunlight and daylight.

Reasons

4. The appeal site is a bungalow in a back-land location. Access is afforded by a single width driveway between two other residential properties. The access drive leads to the appeal site and the conjoined dwellings of 'Laverock'. 'Bedans' to the west of the site, is a bungalow, 'Laverock' to the east is a two-storey property. Surrounding residential properties are a variety of one and two-storey house types and styles.
5. The proposal would include a single-storey rear extension with a pitched roof perpendicular to the main roof and a flat roof section to its side. The proposal would also include a side extension, that would follow the roof pitch of the existing building, and a projecting front extension with a feature window. A new side window is also proposed adjacent to the rear boundary of 'Bedans' to serve a relocated bathroom.
6. The property of 'Bedans' has a rear outlook towards the side of the appeal site. It has been extended to the rear in the past. This has brought some parts of the dwelling close to the side boundary of the appeal site. The main rear garden area is toward the private access drive, set away from the shorter part of the garden. The rear boundary includes a fence of around 2 metres high. The proximity of the neighbour's nearest window and conservatory provides a comparatively clear view of the side of the host dwelling.
7. The proposal would extend to the rear with a single storey extension. This would include a pitched roof of a similar height as the main roof. The neighbour's nearest window faces to the southeast. Therefore, although no daylight assessment has been submitted in support of the proposal, I consider that it would slightly reduce access to early morning sunlight. However, the existing property of 'Bywood' already compromises morning sunlight to some extent. Also, the proposal would be in the corner-most part of the rear garden. The proposal would therefore have a negligible effect on habitable rooms and the property as a whole. Consequently, the effect of the reduction of sunlight would be limited.
8. In regard to the effect on daylight, the proposed rear extension would be set away from the neighbour of 'Bedans' by the retained passageway. Furthermore, the roof would increase in height as it recedes from the shared boundary. As a consequence, the majority of the rear garden and main rear outlook of the property would be unaffected by the proposal. Accordingly, access to daylight would not be significantly affected and the proposal would not substantially enclose the garden. Consequently, the proposal would convey

only a minor effect on the living conditions of occupiers of 'Bedans', with respect to access to sunlight and daylight.

9. Consequently, the proposal would accord with policy 37 of the Bromley Local Plan 2019, which seeks development that would respect the amenity of occupiers of neighbouring buildings. Furthermore, the proposal would comply with policy 7.6 of the London Plan 2016, which seeks to not cause harm to the amenity of surrounding residential buildings including in regard to overshadowing.

Other matters

10. Representations have identified matters of concern in regard to overlooking from the rear facing rooflights and the front window feature. The rooflights would provide high level lighting to a lounge area in the middle of the extended property. As such, these would not provide any overlooking opportunity. Furthermore, even if these were to be associated with first floor use, the distance to the rear boundary is substantial and would therefore have only a limited effect on the living conditions of neighbours. The proposed front feature window would look towards the rear garden of 'The Lodge' and partially towards 'Bedans'. Although larger than the existing window, the opportunity for increased overlooking would be slight. This would be due to its distance from neighbouring boundaries, the oblique angle for views and being at ground floor level.
11. In response to concerns in regard to 'over-development', the proposal would retain a sizeable rear garden and adequate parking. As such, I do not find that the proposal would result in over-development.
12. I have also considered the effect of the proposal on the adjacent property of 'Laverock'. The nearest ground floor windows of this property are located a substantial distance from the proposed side extension. Furthermore, the ground floor of this part of the property is slightly raised above natural ground level. Subsequently, the proposal would not affect daylight or sunlight to these dwellings.
13. I have also considered the appearance of the proposal, with particular regard to the proposed white render of the front projecting element. I am satisfied this feature would be in keeping with the character and appearance of the surrounding area, which includes a variety of house-types and styles.
14. The access driveway is a single width track. Its use would increase both during construction and potentially following completion of development. However, the appeal site includes adequate frontage parking. Also, any construction disturbance would be limited due to the scale of development and be temporary in nature. Any damage caused to adjacent properties through the use of the access, and maintaining access for occupiers of 'Laverock', would be private matters between landowners. Also, a condition to require the driveway to be upgraded would not be reasonable or necessary due to the nature of the proposal. Therefore, such a requirement would not pass the tests of the National Planning Policy Framework (The Framework). Furthermore, the effect of the proposal on the boundary hedging adjacent to 'Laverock' is also a private matter between landowners.

15. The Framework requires that great weight is to be given to an asset's conservation¹ when considering the impact of a proposal on the significance of a designated heritage asset. Furthermore, the statutory requirements² entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of the Conservation area (CA). The significance of the Chislehurst CA derives from the quality of the clusters of predominantly residential development which are largely encircled³. It is within a green and open context with many residential properties in a spacious suburban setting. The majority of contemporary development is low-density amongst established mature trees. The appeal site property is a relatively modern addition to this context. The proposed extension would complement the character of the host property and the low-density nature of the plot. Accordingly, the proposal would have a neutral effect and would preserve the established and defined character of the CA.

Conditions

16. I have considered the use of conditions in line with the Government's Planning Practice Guidance. The Council's suggested conditions in regard to the timeframe for commencement of development and the approved plans have been applied. I have also included a condition to require the proposed bathroom window to be obscurely glazed, as annotated on the proposed floor plan, which is necessary to protect the living conditions of the neighbouring occupiers. Furthermore, a condition requiring details of materials would only be required for roof tiles and the proposed timber cladding as the annotated plans indicate that brickwork would match the existing building. The condition is necessary to preserve the character and appearance of the CA. However, I find that a condition to limit the use of the first floor would be unreasonable as the roof void would provide only limited headroom. Also, in any event, its use would not result in a harmful effect on the living conditions of neighbours.

Conclusion

17. For the above reasons, the appeal is allowed, and planning permission granted.

Ben Plenty

INSPECTOR

¹ National Planning Policy Framework. Paragraph 193

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ Chislehurst Conservation Area – Character Appraisal 2001