



Appeal Decision

Site visit made on 13 January 2020 by Thomas Courtney BA(Hons) MA

Decision by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal Ref: APP/G5180/D/19/3237696

105 Hayes Chase, West Wickham, Kent BR4 0HY

- 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 David Turner against the decision of the London Borough of Bromley Council.
 - The application Ref DC/19/02228/FULL6, dated 22 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is a first-floor rear extension & internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor rear extension & internal alterations at 105 Hayes Chase, West Wickham, Kent BR4 0HY in accordance with the terms of application Ref DC/19/02228/FULL6, dated 22 May 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Drawing Nos. 105-Hayes-Chase-01 Rev A, 105-Hayes-Chase-02 Rev A, 105-Hayes-Chase-03 Rev A, 105-Hayes-Chase-04 Rev B.
 - 3) 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.
 - 4) The extension hereby permitted shall not be occupied until the first-floor bathroom and en-suite windows within the southern side elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
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Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of 103 and 107 Hayes Chase, with particular regard to outlook and light.

Reasons for the Recommendation

4. The appeal property is located on the eastern side of Hayes Chase and comprises a two-storey detached dwelling. It lies within an established residential area characterised by detached dwellings with long rear gardens. No.105 is sited on a curve in the road and on slightly higher ground than the neighbouring property to the south at No.107.
5. The appeal property possesses a single-storey rear extension over which a first-floor extension is proposed. The proposal would thus result in an enlargement of the hipped roof and a two-storey rear elevation extending the full width of the existing single-storey extension.
6. Given the separation between the boundaries and then to the adjoining properties I am satisfied there would be a sufficient amount of distance between the extension and the neighbouring properties to ensure its effect is not excessively prominent nor intrusive. I arrive at this conclusion having regard to the fact No.105 stands on higher ground than No.107 and that there would be an increase in bulk and an enlargement of the appeal property's roof as a result of the development. In my view, the development would not appear excessively obtrusive when seen from the rear elevation and garden of No.103 and from the garden of No.107.
7. Given the relationships between the properties I viewed on site, and the orientation of the buildings, as well as having had regard to the appellant's daylight/sunlight report, I am satisfied that there would be no loss of sunlight and only a negligible loss of daylight as a result of the proposed development. There would be negligible loss of light and limited affect on the outlook from the rear window of the shallow side/rear extension of No.107 which lies adjacent to the boundary with the appeal site. Moreover, there would be a negligible effect on the small bathroom window within the flank elevation of No.107 which faces No.105 resultant from the development. Both neighbouring properties would still enjoy open rear views towards the east, overlooking generous garden space.
8. The two proposed first floor side windows facing No.107 would serve bathrooms and can be fitted with obscured glazing and prevented from opening by way of a condition. There would be no overlooking or loss of privacy in this regard.
9. The development would not have an adverse, dominant or overbearing impact when seen from the neighbouring properties given the separation, layout, existing extensions and orientation of these properties. For these reasons I consider that the outlook from No. 107's rear elevation, first floor side windows and garden would not be unreasonably affected. Similarly, the proposal would not appear intrusive or lead to a loss of outlook from the rear of No.103.
10. I therefore find that the proposed development would not adversely impact on the living conditions of the occupants of 103 and 107 Hayes Chase with regards to outlook and light. The development therefore is in accordance with

development plan Policy 37 of the Bromley Local Plan (2019) which aims to ensure new development is of good design, well related to its context and respectful of the amenity of occupiers of neighbouring buildings. This is consistent with the National Planning Policy Framework (the Framework) which aims to ensure a high standard of amenity for residents.

Other Matters

11. I am satisfied that there would be no material effect on sunlight to the side of No.107 and therefore on the drainage and damp ground to the side of this property.
12. Furthermore, I do not accept that the proposal is excessive in relation to the width of the plot meaning it would result in overdevelopment. It would appear as a conventional first-floor rear extension which would not unbalance the host dwelling. The appeal property would fit adequately within the plot allowing for space on its boundaries.

Conditions

13. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
14. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also included a condition requiring the external materials match the existing building, to protect the character and appearance of the area.
15. I have also included a condition requiring the first-floor bathroom windows within the southern side elevation of the extension be fitted with obscured glazing and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened, to protect the living conditions of the occupiers of the host dwelling and of No.107 with regards to overlooking and privacy.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Kenneth Stone

INSPECTOR