



Appeal Decision

Site visit made on 28 January 2020 by Emma Worby BSc (Hons) MSc

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/G5180/D/19/3240766

9 Drayton Avenue, Orpington, BR6 8JN

- 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 McDougall against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03651/FULL6, dated 22 August 2019, was refused by notice dated 16 October 2019.
 - The development proposed is the addition of a front porch, garage part conversion and extensions, single storey rear extension and addition of render to elevations.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of a front porch, garage part conversion and extensions, single storey rear extension and addition of render to elevations at 9 Drayton Avenue, Orpington, BR6 8JN in accordance with the terms of the application, Ref DC/19/03651/FULL6, dated 22 August 2019, 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: 1.1 Rev B, 1.2 and 1.3 Rev B.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials set out within section 5 of the planning application form.

Appeal Procedure

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

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of No. 7 Drayton Avenue.

Reasons for the Recommendation

4. The appeal property is a detached bungalow located within a spacious residential area which is largely made up of other detached single and two-

storey dwellings. The proposal incorporates a porch and extension to the front of the garage, along with an extension to the rear of the garage and a single storey rear extension to the main dwelling. The Council's primary concerns relate to the proposed single storey rear extension to the dwelling. I also note the concerns of the neighbours at No.7 Drayton Avenue (No.7) and have had regard to the images that were provided.

5. The rear extension to the main dwelling would be located approximately 3.6 metres from the boundary fence with No.7. The side elevation of No.7 is in close proximity to the boundary fence and contains a westerly facing kitchen window and door. Nonetheless, the outlook from the window and patio door is mostly restricted by the height and solidity of the fence. Due to the proposed extension being set sufficiently far back from this boundary, and having regard to its modest eaves height of 2.5 metres and that the roof would slope away from the neighbouring property, the proposal would not result in a sense of enclosure. Similarly, it would not cause any significant over shadowing or appear dominant or overbearing to the occupiers of No.7.
6. I note that the proposed rear extension to the garage would result in an increase in the mass and height of built form along the boundary with No.7. Nonetheless, the increase would not be significant and for the most part would lie adjacent to the side wall of No.7, stopping at a point level with the edge of the kitchen window on the neighbouring property. Owing to this, and given the existing impacts arising from the fence, there would be no unacceptable loss of light or outlook as a result of the rear garage extension. With regard to privacy concerns, I note that there would be no windows that would cause any direct overlooking, and due to the single storey nature of the dwelling, any additional windows that form part of the proposal would not result in a loss of privacy for the neighbouring properties. There is also little substantive evidence to suggest that the conversion of a non-habitable room to a habitable room by itself would cause a harmful loss of privacy, even considering the proximity involved.
7. It is noted that the window on the side elevation is the only window serving the kitchen area at No.7. However, as the daylight received through this window is already restricted by the fence, existing buildings and planting, the proposal would not result in significant changes to the amount of light which is received through this window. Furthermore, the changes in ground level between the two properties are minimal and would not significantly affect the impact of the proposed extensions. Overall, whilst I accept that the outlook from No. 7 would change, and that there would be some minor loss of natural light reaching this property, I would not equate these impacts with any serious harm to the living conditions of the occupants concerned.
8. The Council have not raised any concerns with the other parts of the proposed development and I have found no reason to disagree with this.
9. Accordingly, I find the proposal would not harm the living conditions of the occupiers of the neighbouring property. It would therefore comply with Policy 37 of the London Borough of Bromley Local Plan (2019) which requires new development to respect the amenity of occupiers of neighbouring buildings ensuring that they are not harmed by inadequate daylight, sunlight or by overshadowing.

Other Matters

10. The appeal site is spacious and open in nature and although the proposal comprises several components, it is not considered that it would appear cramped or would result in the overdevelopment of the site. All parts of the proposal are single storey in nature and consistent in design to the surrounding area and therefore the proposed development would not be out of keeping within the streetscene. With regard to the proposal overhanging the neighbouring property, this does not constitute a planning matter to which I can attach any significant weight

Conditions

11. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty. A condition requiring the use of materials matching that of the existing building was requested by the Council. This would not be appropriate as the materials proposed on the plans would not fully match the existing dwelling. However, these materials are considered to be acceptable and therefore a condition has been included to ensure that the external surfaces are constructed from the materials listed on the application form.

Conclusions and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

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

P J Davies

INSPECTOR