
Appeal Decision

Site visit made on 10 February 2020 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2020

Appeal Ref: APP/C5690/D/19/3240391

27 Goudhurst Road, Bromley BR1 4QB

- 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 Ms E Emir against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/113429, dated 7 August 2019, was refused by notice dated 10 October 2019.
 - The development is a single storey rear extension.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. The extension is already in place and the appeal has been considered on this retrospective basis.
4. It appears that reference in the Decision Notice under refusal reason 2 to No 27 Goudhurst Road was in error and should have read 29 Goudhurst Road as detailed in the officer's report. The proposal has therefore been considered with respect to No 25 and No 29 Goudhurst Road when considering the effect of the development on the living conditions of neighbouring properties.

Main Issue

5. The main issues in the appeal are:
 - Whether the extension allows for satisfactory living conditions for current and future occupiers of the appeal property with regard to outdoor amenity space;
 - The effect of the extension on the living conditions of the occupiers of Nos 25 and No 29 Goudhurst Road (No 25 and No 29), with particular regard to outlook.

Reasons for the Recommendation

Living Conditions – Occupiers of the Appeal Property

6. The appeal property is a modest, mid-terrace two storey dwelling. The houses in the terrace all feature narrow, compact rear gardens. There is a large outbuilding positioned along the rear boundary of the appeal property that spans the whole width of the garden, this coupled with the rear extension leaves only a small area of amenity space.
7. DM Policy 31 of the Development Management Local Plan (Adopted 26 November 2014) states, in part 2.c, that residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property, and retain 50% of the garden area. Based on the figures provided by the Council, the extension, when considered in isolation does retain a garden area of more than 50%. However, when considered in combination with the outbuilding, a reduction in garden area in excess of 50% has occurred¹ at the property and in my view the result is a garden area that is too small for the property and does not provide enough usable space.
8. The appellant states that the extension is of greater use for the occupants than the rear garden. Whilst this maybe the case for the current occupants, I must also consider the living conditions of future occupiers of the appeal property.
9. I conclude therefore that the extension fails to provide satisfactory living conditions for current and future occupiers with regard to amenity space and is contrary to DM Policy 31.

Living Conditions – No 25 & No 29 Goudhurst Road

10. A wooden fence marks the boundaries between the appeal property and Nos 25 and No 29. The rear extension has been constructed almost up to the boundaries resulting in minimal separation with the neighbouring properties. This lack of separation combined with the scale of the extension in terms of its depth, and the small size of the rear gardens, results in the extension appearing as an obtrusive and enclosing feature when seen from the gardens of Nos 25 and No 29. Also, the close proximity of the extension to the ground floor rear windows of both No 25 and No 29 means it obscures the outlook from these windows, which compounds the overbearing nature of the extension on the neighbouring occupiers. On this basis, unacceptable harm to the outlook from Nos 25 and No 29 occurs and this adversely affects the living conditions of the occupiers of these properties.
11. For this reason also, the extension is contrary to DM Policy 31, and Policy 15 of the Core Strategy Development plan document (Adopted June 2011), which seek, amongst other things, to ensure development protects the amenity of neighbouring properties and is sensitive to local context.

¹ Whilst the Council have suggested that the extension combined with the outbuilding results in a reduction of garden area from 60m² to approximately 23m², based on the figures they provided, I calculate that approximately 27m² would remain. Nevertheless, this is still a reduction in garden area in excess of 50%.

Other Matters

12. The appellant contends that the rear extension is within permitted development rights. I have given this 'fallback' consideration limited weight as although this could be the case, it would be subject to the appropriate prior approval notification procedures so a successful outcome is not guaranteed.
13. It is acknowledged that the extension does not result in loss of privacy or overlooking, but this does not lend positive weight to the development.
14. The appellant considers that the extension is sympathetic to the neighbouring properties character and appearance and reflects design elements from existing extensions in the area. However, no further details have been provided and in any case a lack of harm to local character could not outweigh the harm to living conditions set out above.

Conclusion and Recommendation

15. For the above reasons, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR