



Appeal Decision

Site visit made on 22 June 2020

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/G5180/D/20/3248797

La Casetta, Blackness Lane, Biggin Hill, BR2 6HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Elvira Verbitskaya against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/05172/HHPA, dated 23 February 2019, was refused by notice dated 12 February 2020.
 - The development proposed is an 8.0 metre rear extension.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the impact on the amenity of any adjoining premises of an 8.0 metre rear extension at La Casetta, Blackness Lane, Biggin Hill, BR2 6HL in accordance with the terms of the application Ref DC/19/05172/HHPA, dated 23 February 2019 (in mistake for 23 December 2019), and the plans submitted with it.

Procedural matter

2. The application form is mistakenly made in the name of Mr, rather than Mrs, Elvira Verbitskaya. It is dated 23.02.19. The decision notice states that the application was received on 23 December 2019. The inference is that the application form is dated in error, confirmed by the appellant's agent.

Reasons

3. The sole main issue is the effect of the proposal on the living conditions of residents at neighbouring properties to either side. La Casetta has a relationship with its neighbours which is staggered both in plan and elevation.
4. Hazelbank, to its south, stands well forward of La Casetta on ground about 1m higher. There is a distance of about 2.1m between the flank of La Casetta and the boundary, on which stands a fence approximately 1.5m tall behind which is an ash tree blocking any view of the house on the higher ground. The combination of change in level, height of boundary fence and distance of proposed extension from the boundary means that the extension proposed

would have no unacceptably adverse effect on the outlook from or daylight received at Hazelbank.

5. On the north side of La Casetta, the land drops away steeply down to Sharuhén but that property is sited so far to the rear of La Casetta that even as proposed to be extended, the rear elevation of the appeal property would not project beyond the existing rear elevation of Sharuhén and so would have no effect on the light received at its rear elevation. A garage at Sharuhén separates the dwelling from the boundary. The flank elevation of the dwelling has high level slit windows tucked under the eaves. Although these are likely to lose some light from the extension proposed directly in front of them about 5m away on the higher ground they are clearly secondary windows and so the loss of light would not be of significance.
6. I conclude that the development proposed would not have any unacceptable effect on the living conditions of neighbours and so should be permitted. No development plan policy is referred to in the council's reason for refusal and there is no information of any relevant policy to be taken into account.
7. The Council suggests three conditions should be imposed if the appeal is allowed but a time limit is inappropriate because the General Permitted Development Order provides a continuing permission. The other two suggested conditions are unnecessary because they would do no more than duplicate conditions A.3 and A.4(11) which are specified in the General Permitted Development Order, with which the development must comply in any event.

P. W. Clark

Inspector