



Appeal Decision

Site visit made on 18 August 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2020

Appeal Ref: APP/G5180/D/19/3242938

23 South Walk, West Wickham, Kent BR4 9JA

- 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 & Mrs J O'Sullivan against the decision of The London Borough of Bromley.
 - The application Ref DC/19/03981/HHPA, dated 30 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is Single storey rear extension with part flat and part pitched roof. Flat roof section no more than 3m from ground level. Pitched section (lantern light roof window) 3.5m.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) requires the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbouring occupiers.

Reasons

4. No 23 South Walk is semi-detached to No 21 South Walk and has an existing single storey extension to the rear which would be removed to extend the dwelling. Due to the configuration of the appeal property, there would be no impact of the development on the adjacent occupiers of neighbouring No 25 South Walk. The attached neighbour of No 21 has extended to the rear by virtue of a single storey extension close to the party boundary with the appeal site.
5. The proposed extension would be located adjacent to the boundary of No 21, extending 6m beyond the original rear wall of the host property and would

have an approximate height of 3m at the eaves, flat roofed including a lantern feature window within the roof.

6. The enlarged extension of No 21 extends approximately 3m from the rear of their dwelling. The occupants would have oblique views from the rear windows onto the proposed flank wall, above the existing boundary treatment. I find no loss of outlook would occur from the rear kitchen glazed doors and windows.
7. The proposed extension would be positioned to the south west of No 21. Some sunlight levels may be reduced, although this would not be to such a significant level as to unduly compromise the living conditions of the attached occupiers.
8. From my site visit, I observed the external land level between the rear gardens of the appeal site and the attached neighbour differ. Steps are located from the rear extension of No 21 into the back garden area, with other additional steps leading from a different level into the lower part of the garden. I do not dispute the land level changes to certain areas of the neighbour's patio and garden areas to be in the region of 1.5m in difference between the two dwellings. The neighbour's land levels may have been altered due to land levelling, however, it is the situation on the ground that I have observed and I am required to consider.
9. Considering the depth of the proposal that would be visible beyond that of No 21's extension, its location within close quarters of the party boundary, and its height, taken alongside the fact that both neighbouring gardens have differing land levels, and this is more exaggerated to certain parts of the neighbours' garden than others, it would have the resultant effect of creating an uncharacteristically high and lengthy gable wall along the shared boundary.
10. The extension would appear unduly prominent and visually intrusive when viewed from the lower levels of the neighbour's garden. This would be further emphasised as the extension includes a projecting lantern roof light within its centre. It would increase the overall height of the extension, and its scale and massing.
11. Therefore, based on my assessment, due to the combination of these factors, unacceptable harm would arise to the living conditions of the neighbouring occupiers.

Other Matters

12. The appellants state that they have complied with the prior approval process. However, whilst this may be the case, the implications of the proposal on the attached neighbour has been considered in this instance.
13. The appellants have raised issues regarding the neighbour's extension. These matters are outside my remit to comment.
14. Although the appellants may be able to erect a boundary fence within permitted development rights, the effect of this on the neighbour's living conditions is not the same circumstances and cannot be reasonably compared.
15. The objector has raised concerns about their view, and the size of the extension in comparison to building lines of other properties. As I am dismissing the appeal, there is no requirement for me to comment further on these matters.

16. Complaints made by the appellant regarding the Council's service is not within my scope to comment upon and should, in the first place, be directed to the Council.

Conclusion

17. For the reasons given above, I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR