

Appeal Decision

Site visit made on 29 September 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/G5180/D/20/3253606
207 Queensway, West Wickham BR4 9DX

- 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 Ryan West against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/01208/FULL6, dated 21 March 2020, was refused by notice dated 29 May 2020.
 - The development proposed is first floor rear extension, alteration to the front porch, window to side elevation.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor rear extension, but is allowed insofar as it relates to the alteration to the front porch and window to side elevation. Accordingly, planning permission is granted for alteration to the front porch and window to side elevation at 207 Queensway, West Wickham BR4 9DX. The permission is granted in accordance with the terms of the application, Ref DC/20/01208/FULL6, dated 21 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Development shall be carried out in accordance with the following approved plan, so far as relevant to the alteration to the front porch and window to the side elevation hereby permitted: P/01, dated March 2020.
 - 3) The materials to be used for the porch alterations and new window hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed first floor rear extension on the living conditions of the occupiers of No 205 Queensway, with regard to outlook and natural light.

Reasons

3. The appeal property is a two storey semi-detached dwelling in a residential road of similar properties.
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4. The rear extension would infill the area next to No 205 to bring the side wall of the upper storey to the shared boundary. This would result in a side elevation of some 3.5 metres deep close to the neighbouring property's nearest bedroom window. Direct views from within this room would remain towards No 205's back garden. However, close to the window, due to the depth, height and proximity of the proposed extension, the side wall would be a substantive feature that would be readily visible. From such views, the extension would have a dominant and overbearing effect compared to the existing outlook from this window.
5. The orientation of the two properties, with No 205 to the north of the appeal property, means that an extension of this height, depth and proximity would be likely to result in some overshadowing of this window. The overall effects of the extension on the outlook from this window and the available natural light would be materially harmful.
6. I note that a similar form of extension has occurred nearby at No 201. However, the extended dwelling is north of its neighbour, No 203, and therefore the effects with regard to light would not be the same. The fact that the existing occupiers of No 205 have not objected does not have a direct bearing on the findings in this case. The effects of development have to be considered in the long term with regard to current and future occupiers' living conditions. Consequently, these matters do not change the overall conclusion based on the above findings.
7. The alterations to the front porch and new side window would represent limited changes to the host dwelling that would be in keeping with its overall character and appearance and that of the street scene.
8. Nonetheless, for the reasons given, I conclude that the proposed first floor rear extension would have an unacceptably harmful effect on the living conditions of the occupiers of No 205 Queensway, with regard to outlook and natural light. As such, the proposal is contrary to Policy 37 of the Bromley Local Plan, which includes the requirement that the design of development should respect the amenity of occupiers of neighbouring buildings. There is, however, no harm with regard to the front porch alterations and new window, as found above.

Conclusion

9. As the alteration to the front porch and additional side window are independent of and physically separate from the rear extension, it is possible in this case to make a split decision with regard to the different elements of the overall proposal. Therefore, for the above reasons, the appeal succeeds in respect of the alteration to the front porch and window to the side elevation but fails in respect of the rear first floor extension.

Conditions

10. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the approved elements, one requiring development to be carried out in accordance with the relevant parts of the approved plan. I agree also that a condition requiring the materials used for the approved elements to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.

The Council suggests an additional condition to require the new window, which would serve a staircase, to include obscured glass. However, no specific reason appears to be given for the suggested condition. Given that normal use of this area would not appear to result in any overlooking or loss of privacy I see no reasonable basis to impose the suggested condition and, therefore, I have not done so.

J Bell-Williamson

INSPECTOR