



Appeal Decision

Site visit made on 27 November 2020

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021.

Appeal Ref: APP/G5180/D/20/3257629

9 St Johns Cottages, Maple Road, Penge SE20 8HX

- 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 Miss Samantha Cooke against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/01594/FULL6, dated 21 April 2020, was refused by notice dated 3 August 2020.
 - The development proposed is to build a single storey rear side infill extension to accommodate a new kitchen and dining room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 10 St Johns Cottages, with particular regard to outlook and daylight.

Reasons

3. The houses on this side of St Johns Cottages have very small rear gardens. The adjoining property at No 10 has a single storey projection mirroring that on the appeal site, and a high wall at the bottom of its rear garden. The current boundary with the appeal site consists of a low wall topped by a trellis on No 10's side. The proposed extension would replace this and extend approximately 3.7 metres, along the entire length of the boundary with No 10, being highest closest to the houses, sloping gradually down to the rear boundary with 193 Maple Road.
4. This substantial solid wall all along the boundary would severely restrict the outlook from No 10's rear facing ground floor window and garden and reduce the amount of daylight entering the house. The impact on the rear garden, which currently appears to be the main sitting out area for the occupiers of No 10, would be exacerbated by the existing walls to the other side and rear.
5. The appellant has shown on the submitted plans that an extension could be constructed under permitted development (PD) rights that would project 3 metres from the rear walls of the two properties. This could have the same impact on daylight reaching No 10's rooms, and almost the same impact on the outlook from those rooms and the rear garden as the appeal scheme.

6. In order to decide what weight I should give to these PD rights, I have to consider whether there is a real prospect of them being utilised, if I were to dismiss the appeal. The appellant has stated that building the 3 metre deep PD extension would not be practical, as it would leave a gap of approximately 0.7 metre between the end of the extension and the boundary wall at the rear of the garden. On this basis, it seems unlikely that she would choose to build a 3 metre deep extension utilising these PD rights, which means I can only give their existence limited weight.
7. The appellant has instead indicated an interest in taking advantage of the PD rights set out under Class A, paragraph A.1(g) of the General Permitted Development Order 2015 (as amended), which could allow an extension up to 6 metres in depth. However, as set out in paragraph A.4(2), this PD right is subject to an application to the local planning authority for prior approval, which has not been made. Accordingly, I cannot give weight to this mechanism as an alternative way forward.
8. The appellant has pointed out other extensions to St Johns Cottages, which she says have a more detrimental impact on their neighbours than the appeal proposal. I was able to see the extension to No 1 from public areas on my site visit. The Council explains that the existence of an accessway along the boundary between No 1 and its neighbour would reduce the impact on the occupiers of that neighbouring dwelling, when compared to the appeal scheme. In any event, each proposal must be considered on its merits, and the existence of another similar extension is not a good reason for allowing development that would be harmful.
9. The appeal proposal would cause harm to the living conditions of the occupiers of No 10 and, for the reasons set out above, I can only give limited weight to the existence of PD rights for a 3 metre deep extension. I accordingly conclude that the proposed development would have an unacceptable effect on the living conditions of occupiers of 10 St Johns Cottages, contrary to Policies 6 and 37 of the London Borough of Bromley Local Plan 2019, which, amongst other things, require residential extensions to be compatible with development in the surrounding area and respect the amenity of occupiers of neighbouring buildings.

Other Matters

10. The appeal site is within the Penge High Street Conservation Area. The effect of the development on the character and appearance of the Conservation Area was not a reason for refusal, and the Council do not object to the proposal on these grounds.
11. The Conservation Area (CA) covers two early Victorian almshouse groups, Victorian housing and shops on the High Street. St Johns Cottages comprise two rows of cottages on either side of a central landscaped area, and contributes to the character of the CA by the relationship between the cottages and the open space, and the largely unspoilt nature of the cottages' front elevations. The proposed extension would not be visible from any public viewpoint and would not materially affect this contribution. Accordingly, I consider that the proposals would preserve the character and appearance of the Conservation Area, in accordance with national policy.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Michael J Muston

INSPECTOR