



Appeal Decision

Site visit made on 14 December 2020

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/G5180/D/20/3256732

30 Forde Avenue, Bromley BR1 3EX

- 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 Mr Jatin Mehta against the decision of The London Borough of Bromley Council.
 - The application Ref DC/20/01007/HHPA, dated 16 March 2020, was refused by notice dated 6 May 2020.
 - The development proposed is a single storey rear extension 5.83m deep x 3.98m high (3m high to eaves).
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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, Paragraph A.4 (7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of the adjoining premises, taking into account any representations received. Whilst the occupants of the adjacent property have made representations additional to amenity, my determination of this appeal has been made solely on the basis of amenity as required.

Main Issues

3. I consider the main issue in this appeal to be the effect of the proposed development on the living conditions of the occupiers of adjoining premises, with reference to outlook and light.

Reasons

4. The appeal dwelling is located at the end of a row of terraced houses in a relatively long suburban street, predominantly made up of similar palisaded terraces but with some larger semi-detached houses. The proposal would replace the existing flat roof single storey extension at the rear of the appeal property with a new flat roofed rear extension with skylight. The proposed

extension would be almost the full width of the original rear wall of the appeal dwelling and project slightly less than 6m into the garden from this wall, with a height to the eaves of 3m.

5. The garden of the appeal property adjoins the garden of 28 Forde Avenue (No 28). The proposed extension would be directly adjacent to the boundary between the two properties. On my site visit no boundary fence was in place, however, it appeared that a new 6ft timber lap fence was in the process of being installed. Whilst only the top part of the side wall of the proposed extension would therefore be visible, it would project approximately 1m above the height of such a timber fence and the scale of the proposal would still be apparent.
6. The proposed extension would also be in close proximity to a glazed double patio door to a habitable room of No 28, this door is directly adjacent to the shared boundary. As No 28 is also bounded on the other side by an existing extension, this would mean that due to the height and length of the proposal and its proximity to the boundary, it would have a significant overbearing and enclosing effect on No 28, thereby being visually intrusive and diminishing outlook from this neighbouring property.
7. The proposed extension would be on the east side of the appeal dwelling and to the north of No 28. Given its scale, height and that it would be in close proximity to the boundary and the glazed rear patio doors to No 28, it would result in some daylight being cut out to the room served by the glazed double patio door. Given the east facing aspect of this glazed door with the proposal to its north, there would, however, be no loss of direct sunlight reaching the rear garden or rear rooms of No 28. Although the loss of daylight I have identified would not be decisive on its own, it would add to the overall impact on the living conditions of the residential occupiers of No 28.
8. The appellant has drawn my attention to other single storey rear extensions in the local area and to one at the rear of 34 Forde Avenue (No 34) in particular. Whilst it is clear that this extension at No 34 is the largest to be seen from the rear of the appeal property, no further details relating to this extension have been provided, and as these extensions would have been considered on their own merits, I have given only little weight to these in my considerations.
9. The proposal would therefore be visually intrusive and overbearing with an enclosing effect, thereby causing loss of outlook and light to the residential occupiers at No 28, to the degree that it would result in unacceptable harm to their living conditions. As such it would be contrary to Policies 6 and 37 of the Bromley Local Plan (2019), as far as they seek to ensure that development is compatible with development in the surrounding area and of good design that respects the amenity of occupiers of neighbouring buildings, allowing for outlook, adequate daylight and privacy. In addition, there would also be conflict with similar design related aims contained in Policies 7.4 and 7.6 of the London Plan (2016). It would also conflict with the National Planning Policy Framework (the Framework), which, although it places significant emphasis on maximising homeowners' freedom to alter and extend their properties to improve their living conditions, also requires that new development should be of good design and provide a high standard of amenity for existing and future occupiers.

Conclusion

10. For the above reasons and with the presumption in favour of sustainable development and paragraph 11 of the Framework in mind, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR