



Appeal Decision

Site visit made on 22 January 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 March 2021.

Appeal Ref: APP/C5690/D/20/3261189

18 Whitefoot Lane, Bromley, BR1 5SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Fakruddin Kachwala against the decision of the Council of the London Borough of Bromley.
 - The application Ref. DC/20/117738, dated 28 July 2020, was refused by notice dated 9 September 2020.
 - The development proposed is to demolish the existing conservatory and construct a single storey rear extension.
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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 ('GPDO') as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require 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 Issues

3. I consider the main issues in this appeal to be (i) whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and (ii) the impact of the proposed extension on the amenity of the adjoining premises at Nos. 16 & 20 with regard to outlook.

Reasons

4. On the first issue, the Council considered that the application did not include sufficient information to confirm that the proposed extensions would comply with the restrictions and limitations under Class A. This is with regard to whether the proposed extension would result in the coverage of more than 50% of the site curtilage when the existing outbuilding is taken into account.
5. However, I noted that the outbuilding is approximately 8m in length and 4m width and is described in the grounds of appeal as being a dilapidated and disused fabricated building. It is also stated for the appellant that this building '*would be removed to ensure the available amenity space complies with the 50% coverage*'. As this could be secured by means of a condition attached to

an approval I do not consider that this issue precludes an approval for the proposed development.

6. On the second issue, I saw on my visit that the appeal property is a mid-terrace house of a modest width. Whilst the rear gardens are a reasonable length, the proposed extension would occupy the full width of the existing rear wall (the existing conservatory having been first removed). The submitted drawings show that the building would have a mono-pitched roof at a height of 4m where it adjoins the house, sloping down for about half its length to a flat roof with a height of 2.85m.
7. Observing the rear of the house from the garden, the adjoining houses to either side both have ground floor windows that are in close proximity to their respective boundary with the appeal dwelling. To the right, No. 16 has a kitchen window with a short gap to a pair of full length French windows. To the left at No. 20, whilst I was unable to ascertain the use of the room with the nearest window, it appears highly likely that this is one of the main habitable ground floor rooms.
8. At present the conservatory to be demolished is set slightly away from the boundaries. The immediate outlook for neighbours is in each case towards a fence, somewhat lower in the case of No. 16 thereby permitting a more open aspect from the rear windows and garden. With the extension proposed to be effectively on the boundaries, this would be replaced by a blank wall with its maximum 4m height closest to the neighbours' windows and sloping down to a minimum 2.85m for the final 3m or so. In both cases the wall would be noticeably higher than the existing boundary fence.
9. In my view both the neighbours' outlook from the nearest ground floor windows and the part of their garden nearest the houses (and thereby normally the most used) would be dominated by the proposed flank wall. The loss of an open aspect would also be accompanied by an undue sense of enclosure. And overall, I accept the Council's judgement that the effect would be 'overbearing'. In short, the amenity of neighbours in terms of a loss of outlook would be unacceptably harmed.
10. The grounds of appeal argue that the existing boundary treatments of fences and hedges would mitigate any perception of a harmful impact from the extension but I disagree. Nor do I consider that the other examples of approvals granted are sufficient to enable this proposal to go ahead. This is because I have made my decision on the particular and detailed circumstances of Nos. 16-20, which are unlikely to be replicated with sufficient precision to affect my planning judgement in this case.
11. For the above reasons the appeal is dismissed.

Martin Andrews

INSPECTOR