



Appeal Decision

Site visit made on 26 May 2021

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

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/G5180/D/21/3266373 68 Bushey Way, Beckenham BR3 6TD

- 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 Eric Green against the decision of The London Borough of Bromley Council.
 - The application Ref DC/20/03257/HHPA, dated 12 September 2020, was refused by notice dated 14 October 2020.
 - The development proposed is the extension of the existing living accommodation to form an enhanced kitchen and living room (8.00m deep x 3.50m high (2.65m high to eaves)).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the extension of the existing living accommodation to form an enhanced kitchen and living room (8.00m deep x 3.50m high (2.65m high to eaves)) at 68 Bushey Way, Beckenham BR3 6TD in accordance with the application DC/20/03257/HHPA, dated 12 September 2020, and the plans submitted with it, Refs 17/1204 P201 dated 25 August 2020 & 17/1204 P220 dated 12 September 2020.

Main Issues

2. I consider the main issues in this appeal to be:
 - Whether the representations received from occupiers of adjoining premises fall within the required provisions of Paragraph A.4 (7) 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 (The GPDO), which requires that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises; and

- if found to, the effect of the proposed development on the living conditions of the occupiers of adjoining premises, with reference to outlook, light and privacy.

Reasons

Representations from occupiers of adjoining premises

3. The appeal dwelling is a detached house located in a street of similar sized detached and semi-detached houses in a suburban area, predominantly made up of similar properties with good sized front and rear gardens. The proposed extension would be the full width of the original rear wall of the appeal dwelling and project 8m into the garden from this wall.
4. At 8m deep the proposed extension is of significant size in relation to the footprint of the appeal dwelling, however, its scale appears to be ameliorated by the form of the crown roof, with a height to the eaves of 2.65m and a crown roof of 3.5m in height, whose pitch matches that of the cat slide roof to the existing side outshoot.
5. Representations from the occupiers of 2 adjoining premises were received by the Council, the Council have stated that the occupiers making these representations subsequently confirmed that these were to be regarded as objections. As these representations were concerned with the size of the proposal, which is at the rear of the property and would only be visible to the occupiers of surrounding and particularly adjoining premises, I find that it is reasonable for the council to proceed on that basis.
6. Whilst it would appear that only one of the representations from occupiers was received and confirmed as an objection within the 42 day period required by the GPDO, this representation alone triggered the requirement for consideration of the proposed development by the Council in terms of its prior approval.
7. Under these circumstances I find that it is reasonable for the Council to accept the initial and subsequent representation as objections in terms of the impact of the proposed development on the amenity of the occupiers of adjoining premises and, therefore, the prior approval of the council is triggered as required in accordance with Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 (7) of the GPDO.

Living conditions

8. At 8m deep the proposed extension is of significant size in relation to the footprint of the appeal dwelling, however, its scale is somewhat ameliorated by the form of the crown roof and its pitched element that follows the angle of the that of the single pitch roof to the existing side outshoot.
9. The rear garden of the detached appeal property adjoins the gardens of neighbouring semi-detached houses 66 and 70 Bushey Way (No 66 and No 70) and backs on to the rear garden of 48 Barfield Wood Road (No 48).
10. Given the long rear garden of the appeal property and that of No 48 the distance between the proposed development and the proposed extension is so great that it would not be detrimental to daylight or the outlook of the

occupiers of the dwelling at No 48 and would, therefore have no significant impact that would harm living conditions.

11. No 66 has been the subject of its own single storey rear extension, which appears to project approximately 4m from the rear of this dwelling and is close to its boundary with the appeal site. Given the size and form of the extension at No 66, and the location of its windows, only part of the side wall and pitched element of the crown roof of the proposed extension would be visible. The proposed extension would not, therefore, be detrimental to the outlook or light of the occupiers of the dwelling at No 66 and would have no significant impact that could be considered harmful to the living conditions of its occupiers.
12. The distance between the proposed extension and the boundary fence between No's 68 and 70 would match the existing distance between this boundary and the host dwelling. This side space distance appears to be approximately the same as that between the boundary fence and the dwelling at No 70, which has not been the subject of a rear extension and retains its original rear two storey bay and window locations. Whilst this does allow for an open rear aspect from the rear ground floor room, the extent of this view is already defined to the side by the existing tall fence on the boundary with No 68 and the wooden pagoda type structure in the rear garden of No.70.
13. Given the distance between the proposed extension and No 70 and that only a small upper part of its side wall and crown roof would be visible above the existing boundary fence, I find that the proposal would not result in an enclosing effect that would impinge on the outlook from No 70. Combined with the south-eastern aspect of the rear of No 70, these factors would also result in the proposed extension having only a very limited impact on sunlight reaching the ground floor rooms and the immediately adjacent garden space. I am content that the proposed extension would not result in a loss of outlook or light to the degree that it would be harmful to living conditions to the occupiers of No 70.

Conclusion

14. For the reasons set out, I conclude that the proposal would be acceptable with respect to its impact on the amenity of the occupiers of adjoining premises, and prior approval should be granted. The appeal is therefore allowed.

Victor Callister

INSPECTOR