



Appeal Decision

Site visit made on 18 October 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 NOVEMBER 2022

Appeal Ref: APP/G5180/D/22/3296733

110 Eden Way, Beckenham BR3 3DH

- 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 A4 of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Clancy against the decision of the Council for the London Borough of Bromley.
 - The application Ref 22/00293/HHPA, dated 24 January 2022, was refused by notice dated 4 March 2022.
 - The development proposed is described as "Proposed single storey 4.8m extension."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the application form. However, the appellants at Part E of the appeal form, refer to an alternative description of the development. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the one given on the original application form.
3. 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, Part A.4(7) requires 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 Issue

4. The main issue is the impact of the proposed development on the amenity of adjoining premises with regard to its height, depth and proximity to the boundary.

Reasons

5. The appeal comprises a two-storey end of terrace house located on the southern side of Eden Way in Beckenham. The proposed single storey extension would project approximately 4.8m from the main rear wall of the house and across its full width to a maximum height of approximately 4m. The extension would have a largely flat roof with the eaves of the rear elevation dropping to approximately 3m.

6. I acknowledge that the existing boundary fence between No 112 Eden Way and the appeal site appears high and therefore already gives a sense of enclosure to the occupants of No 112. However, a significant proportion of the proposed extension would contain a flat roof with a blank, brick elevation at approximately 4m in height close to the ground floor window of next door's rear habitable room. This would restrict the existing outlook and be visually dominant, even over the existing boundary fence. The proximity of the proposal to the boundary with No 112, together with its height and length would also result in undue harm to the outlook from the garden space of this neighbour.
7. The ground floor habitable room window at the rear of No 112 would receive some early morning daylight. However, due to its southerly aspect, the proposal would significantly diminish the amount of light received in this room throughout the day, due to its additional height and bulk. As a result, I am not satisfied that there would be no undue harm to the living conditions of the occupier at No 112 in respect to light.
8. With regard to the adjoining property at No 108 Eden Way, which has already been extended at ground floor and roof level, both the appellant and the Council agree that the proposal would be unlikely to have an adverse impact on the amenity of the occupants of No 108. I have no reason to disagree with the parties.
9. Therefore, I conclude that the proposal would unacceptably harm the amenity of adjoining premises at No 112 Eden Way with regard to its height, depth and proximity to this boundary. As a result, the proposed development would conflict with the provisions of Schedule 2, Part 1, Class A, paragraph A.4(7) of the GPDO.

Other Matters

10. I have had regard to the other decisions for similar prior approval developments as highlighted by the appellant. Whilst these developments may have some design similarities to the appeal proposal, each of the schemes identified are lower in height than the appeal proposal, with some also being less deep, and as such are not directly comparable. Even if they were, each scheme needs to be considered on its own merits and circumstances.
11. The appellant draws my attention to the compliance with the permitted development process and that the proposal would contribute to the overall character of the area. Neither of these matters are in dispute and the assessment has been made specifically on the amenity of adjoining premises in accordance with the provisions of Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO.
12. The appellant also highlights that no objection has been received from the neighbour most affected by the proposal. Nevertheless, where the need for prior approval is triggered by a relevant representation, the development should be assessed on the basis of its impact on the amenity of all adjoining premises and land, irrespective of whether those occupiers did or did not make representations. Whilst I note that No 112 did not make representations, this does not change my conclusions on the main issue.

Conclusion

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

Robert Naylor

INSPECTOR