



Appeal Decision

Site visit made on 17 January 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 FEBRUARY 2023

Appeal Ref: APP/G5180/D/22/3309632

133 The Avenue, West Wickham BR4 0EF

- 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 Ms Grace Asemota against the decision of London Borough of Bromley.
 - The application Ref DC/22/01989/FULL6, dated 16 May 2022, was refused by notice dated 9 August 2022.
 - The development proposed is rear single storey extension, loft conversion & rear garden outbuilding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed rear single storey extension element of the proposal upon the living conditions of the neighbouring occupiers at No.135 The Avenue (No.135), with regard to outlook and daylight.

Reasons

3. The appeal property is the end terrace of a block of three on the western side of The Avenue. No.135 is the central terrace.
4. There is an existing boundary fence between the appeal property and No.135. The rear elevation windows at No.135 would not directly face the proposed rear extension. Notwithstanding this, the rear living room window of No.135 is located very close to the boundary with the existing single storey rear extension to the appeal property. Given the narrowness of the plot, views over the side boundary fence play an important part in the outlook from the living room. The proposed extension would be of a greater height than the fence and extend considerably further than the existing extension at the appeal property. While there would be views away from the proposed extension, it would nonetheless, be an imposing feature in the outlook from the living room. The proposal would result in an uninviting and severely limited outlook from that room. The proposed rear extension would appear as visually intrusive and overbearing to the rear living room of No.135.
5. The appellant suggests that the existing fence would reduce the overall appearance of the proposed extension, at least in part. A significant proportion of the flank wall of the proposed extension would still appear above the fence, close to the rear living room of No.135. Furthermore, the top edge of the existing fence falls away with the sloping topography of the site, and an

- increasing proportion of the flank wall would appear within view above the fence, exacerbating the sense of enclosure and restricted outlook from No.135.
6. Due to its cumulative depth and height in combination with the orientation of the terrace, the proposed rear extension would result in a significant loss of daylight to the rear living room and patio area of No.135.
 7. The appellant drew my attention to examples of other properties in support of the appeal. I found that these examples demonstrated wider plots and/or semi-detached properties that are not comparable to the appeal site.
 8. I therefore conclude that the proposed rear single storey extension element of the proposal would unacceptably harm the living conditions of the neighbouring occupiers at No.135, with particular regard to outlook and daylight.
 9. The proposed development therefore conflicts with Policy 37 of the London Borough of Bromley Local Plan 2019; the London Borough of Bromley Supplementary Planning Guidance No.1 *General Design Principles* 2004; and the London Borough of Bromley Supplementary Planning Guidance No.2 *Residential Design Guidance* 2004, which seek to ensure that development respects residential amenity.

Other Matter

10. The appellant claims that the proposed rear extension would be acceptable under a prior approval process, and as such asks me to consider this as a fallback position. However, I have not been provided with clear and compelling evidence that the proposal would meet the limitations as set out in the GDPO¹. On this basis, and in the absence of any prior approval consent or lawful development certificate, I cannot therefore be certain that even if there was a realistic prospect of such a fallback, that it would result in the same or greater harm than I have identified with the scheme before me. The absence of objections is not a reason to allow an unacceptable proposal.

Conclusion

11. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR

¹¹ The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.