



Appeal Decision

Site visit made on 13 June 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 28TH June 2023

Appeal Ref: APP/G1580/D/23/3316445

24 Willett Close, Petts Wood, Orpington, BR5 1QH

- 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 Mr Luke Christou against the decision of Bromley London Borough Council.
 - The application Ref DC/22/03978/FULL6, dated 10 October 2022, was refused by notice dated 7 December 2022.
 - The development proposed is first floor side and part one/two storey rear extensions and side elevational alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor side and part one/two storey rear extensions and side elevational alterations at 24 Willett Close, Petts Wood, Orpington, BR5 1QH in accordance with the terms of the application, Ref DC/22/03978/FULL6, dated 10 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the approved plans: 22-1727 D01 Rev 5, 22-1727 D02 Rev 5, 22-1727 D05 Rev 5, 22-1727 D06 Rev 5 and 22-1727 D07 Rev 5.
 - 3) The materials used on the external surfaces of the development hereby approved must match those used on the external surfaces of the existing property.
 - 4) Before the development hereby permitted is first occupied the proposed windows in the first-floor flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the windows shall subsequently be permanently retained as such.

Preliminary matters

2. The application form described the proposed development as "Single storey SIDE + REAR, with first floor side and DEEPER rear extension". The council amended this to the description given in the heading above, and this was used on the appeal form. I have adopted this description because it more accurately describes the proposed development.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the neighbouring occupiers at No.26 Willett Close.

Reasons

4. The appeal property, No.24, is located on the north-western side of Willett Close and is a semi-detached dwelling, the attached neighbour being No.26 on the south-west side. Willett Close consists of houses constructed at about the same time, to a similar design, although a good deal of alteration and extension to individual houses has taken place.
5. The officer's report dealing with the matter of the amenity of the neighbours at No.26, found no abjection to the single-storey element of the extension at the rear but, in respect of the first-floor element, stated "*concern is raised over the depth given the proximity to the adjoining neighbours bedroom window it is considered that this will have an adverse impact on amenities with regards to loss of light, outlook and prospect*". Bearing in mind that this first floor element is about 3m from the centre of the neighbour's window and that the appellant's diagram of the '45 degree' rule shows that it would only be the tip of the rear near corner of the extension that would impinge into the 45° angle, I do not find that this degree of intrusion justifies refusal of permission. At my site visit, an assessment by eye satisfied me of this. In my view the impact on loss of light, outlook and prospect would be minimal.

Conclusions

6. Having taken account of all matters raised, I conclude that the proposed development would not create a visually dominant, overbearing and unneighbourly form of development, and would not cause a significant loss of amenity to the adjoining occupiers at No. 26 Willett Close. I will therefore allow the appeal.

Conditions

7. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; condition 4 is to ensure no loss of privacy to the neighbouring property. In relation to this last condition, the appellant accepts that all these windows should be obscure glazed to ensure the development does not lead to any undue loss of privacy to this neighbouring property.

Terrence Kemmann-Lane

INSPECTOR