



Appeal Decision

Site visit made on 31 August 2023 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/G5180/D/23/3321943

121 Castlecombe Road, Mottingham, Bromley, London SE9 4AS

- 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) (GPDO).
 - The appeal is made by Mr Brazinskas against the decision of the Council of the London Borough of Bromley.
 - The application ref. DC/23/00784/HHPA, dated 27 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is for a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter and Main Issue

3. Under the aforementioned provisions of the GPDO, a planning permission is granted for the enlargement of a dwellinghouse subject to limitations, conditions and restrictions. One such concerns, for the purposes of the appeal scheme, an assessment as to the impact of the proposed development on the amenity of any adjoining premises, considering any representations received. This has informed the main issue of the appeal which is the effect of the proposal on the living conditions of the occupiers of 119 Castlecombe Road, with particular regard to outlook, and levels of daylight and sunlight.

Reasons for the Recommendation

4. The appeal dwelling adjoins No. 119, a two-storey property of a similar scale. Both dwellings have a ground floor rear window close to the shared boundary and single-storey extension approximately half the width of the host dwelling projecting modestly beyond the rear elevation. Both rear extensions contain a window and partly glazed door within the elevation facing the shared boundary which is bordered by a high fence. These extensions are set back from the shared boundary with their flat roofed single storey form allowing the ground floor windows of each dwelling to obtain a reasonable level of daylight.
5. The proposal would be notably taller and longer than the existing rear extension, with its pitched roof resulting in a maximum height of around four metres. When combined with its position, partly adjoining the shared boundary

with No. 119, the proposal would create a sizeable section of wall protruding above the existing boundary fence within close proximity of the ground floor windows of No. 119. This would have a looming effect on users of the spaces served by said windows, unacceptably reducing the quality of the outlook therefrom.

6. The above factors, namely the eventual height and proximity of the extension to the same windows would impede the levels of daylight they would benefit from. The existing situation already does to some degree, but the specifics of the proposed extension would tip that into being unacceptable. Creating a noticeably darker environment within the spaces the windows serve and making the experience of them oppressive. The same would not however be true of levels of sunlight since the extension concerns the north elevation of the building with sunlight directed on the front elevation. Regardless, a failure of an assessment against any limitation, condition or restriction of the relevant class of the GPDO would result in the given scheme not being acceptable thereunder.

Other Matters

7. Compared to an extension three metres deep, the proposal would result in a shallower angle of the pitched roof, creating a greater built form above the shared boundary, resulting in the harms I have described above. A smaller extension may comply with other provisions of class A but such an alternative scheme is not before me. It is also not incumbent on me to determine the lawfulness of other extensions or window openings as part of this appeal.
8. The scheme before me seeks prior approval for an extension under the permitted development regime which requires compliance with explicit criteria rather than a balance of harm and/or development plan conflict with material considerations as would be the case of one seeking express planning permission.

Conclusion and Recommendation

9. For the reasons given above, the appeal scheme would fail an assessment as to the effect of the proposal on the living conditions of neighbouring occupiers or 'amenity' for the purposes of the legislation. In not satisfying explicit limitations, conditions or restrictions thereof, I can only recommend the appeal be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and, on that basis, I dismiss the appeal.

John Morrison

INSPECTOR