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## Appeal Decision

Site visit made on 17 October 2023 by Tom Bennett BA(Hons) MSc MRTPI

**Decision by Chris Forreth BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> November 2023**

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**Appeal Ref: APP/G5180/W/23/3321893**

**35 Westhurst Drive, Chislehurst BR7 6HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mrs S Williams against the Council of the London Borough of Bromley.
  - The application Ref DC/23/00002/FULL6, is dated 14 December 2022.
  - The development proposed is a ground floor rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension at 35 Westhurst Drive, Chislehurst BR7 6HS in accordance with the terms of the application, Ref DC/23/00002/FULL6, dated 14 December 2022, and the plans submitted with it, 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 hereby permitted shall be carried out in accordance with the following approved plans: Location Plan S-(13)01, Block Plan S-(13)03, Proposed Ground Floor P-(03)00, Proposed Roof P-(03)03, Proposed North Elevation P-(04)01, Proposed East Elevation P-(04)02 and Proposed South Elevation P-(04)03.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### 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.

### Main Issues

3. Although the appeal has been made against the failure of the Council to determine the application, the Council has given the reasons why planning permission would have been refused had the application still been within its remit to determine. I have therefore focussed my consideration of the proposal on these matters.
4. The main issues are the effect of the development on:
  - the character and appearance of the host property and area,

- the living conditions of neighbouring occupiers at No.33 and No.37 Westhurst Drive with particular regard to outlook; and
- the living conditions of current and future occupiers of the appeal property in relation to outdoor amenity space.

## **Reasons for the Recommendation**

### *Character and Appearance*

5. The appeal property is a mid-terraced dwelling located in a residential area comprising of properties similar in style. I observed on my site visit that a number of terraced properties in the vicinity had modest single storey rear extensions of varying styles and lengths.
6. The proposed single-storey rear extension would have a flat roof and would span almost the entire width of the appeal property. It would be around 3.5 metres high and project around 4 metres from the main rear wall of the property. The flat roof design along with the use of matching materials would assimilate with, and complement, the character and appearance of the host dwelling. Considering this, along with the presence of numerous single-storey extensions in the vicinity, I find the proposal would not appear as an incongruous form of development to either the host dwelling or wider area.
7. As the garden of the host dwelling is smaller than some of the nearby properties, the Council contend that the proposal would not be proportionate to the host dwelling. However, the Council have incorrectly assessed the depth of the proposal as 4.5 metres, as confirmed by the Appellant. Nevertheless, I find that adequate garden space would be retained and it would be comparable to the garden space remaining at other properties north of the appeal site, several of which have large outbuildings in their gardens.
8. For the reasons above, I find that the proposal would not cause harm to the character and appearance of the host dwelling or the wider area. It would therefore accord with Policies 6 and 37 of the Bromley Local Plan (2019) which, amongst other matters, requires development to respond to its surroundings.

### *Living Conditions*

9. The proposed extension would be built in close proximity to the boundaries of the adjoining properties at No.33 and No.37. Neither of these properties have rear extensions but both of them have large ground floor patio doors. The principle outlook from these patio doors is over their modest rear gardens and this would remain unchanged.
10. From my site visit I observed that the land levels drop at the rear of the appeal terrace and there are raised decking areas at the appeal and neighbouring properties. Thus, although the height of the proposal would be 3.5 metres from ground level, it would only be around 3 metres from the level of the decking and the internal floor level of the respective properties.
11. Taking the above into account, together with the height of the existing boundary fence, the proposal would not have an unacceptable overbearing impact on the outlook for the neighbouring occupiers.
12. Turning to the issue of outdoor amenity space, I have not been directed to any specific standards for the provision of outdoor amenity space that the Council

considers should be met in this instance. Notwithstanding that, even though the proposal would reduce the size of the rear garden, the property would still retain sufficient useable garden space to allow for regular domestic activities to take place by the current and future occupiers, such as sitting out and drying clothes.

13. For the above reasons, the proposal would not have a harmful effect on the living conditions of existing and future occupiers in relation to outdoor amenity space, nor would it materially affect the living conditions of the occupiers of Nos.33 and 37 with regard to outlook. As such, it would comply with Policy 37 of the Bromley Local Plan (2019) which, amongst other matters, requires development to respect the amenity of neighbouring and future occupiers.

### **Conditions**

14. In addition to the standard time period for commencement of the development, a condition is necessary to ensure compliance with the approved plans. The Council has also suggested a condition to ensure matching materials are used and I agree that such a condition is necessary in the interests of the character and appearance of the host property and area.

### **Conclusion and Recommendation**

15. For the reasons given above, and subject to the specified conditions, I recommend that the appeal should be allowed.

*Tom Bennett*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

16. I have considered all the submitted evidence, and my representative's recommendation, and on that basis the appeal is allowed.

*Chris Forrett*

INSPECTOR