



Appeal Decision

Site visit made on 29 October 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/G5180/D/24/3350213

17 Chesterfield Close, Orpington, Bromley, BR5 3PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Newton against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/03189/FULL6.
 - The development proposed is described as 'the proposed erection of a single storey rear extension, and the proposed erection of an out-building in the rear garden'.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed erection of a single storey rear extension, and the proposed erection of an out-building in the rear garden at 17 Chesterfield Close, Orpington, Bromley, BR5 3PG in accordance with the terms of the application, Ref DC/23/03189/FULL6, subject to the following conditions:
 - 1) The development hereby permitted shall be retained strictly in accordance with the following approved plans: 350_SL_01; 350_BL_01 A; 350_PR_01 A; 350_PR_02 A; 350_PR_03 A; 350_PR_04 A; 350_PR_05 A; 350_PR_06 A; 350_PR_07 A; 350_PR_08 A; 350_PR_09 A; 350_PR_10 A.
 - 2) The flat roof area of the development shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

Preliminary Matters

2. The appeal relates to the erection of a single storey rear extension and an outbuilding at 17 Chesterfield Close. The development has been completed and the appeal is therefore in relation to obtaining retrospective permission for the development.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the site and surrounding area; and

- the effect of the single storey rear extension on the living conditions of the occupiers of 19 Chesterfield Close, with particular reference to light and outlook.

Reasons

Character and appearance

4. The appeal property is a two storey, semi-detached dwelling located in a road comprising of dwellings of a similar design and appearance.
5. The extension that has been constructed to the rear of the dwelling is single storey, with a depth of about 4.5m. It extends across the full width of the host dwelling and has a height of around 3.4m where it adjoins the original rear wall of the dwelling and a maximum height of about 3.85m to the top of the parapet wall when measured from the rear face of the extension relative to the garden.
6. The extension sits comfortably beneath the first floor windows of the host dwelling and with its flat roof design, I am satisfied that it is subservient in appearance to the main dwelling and does not overly dominate its rear elevation. The extension is proportionate in size to the footprint of the host dwelling and does not project beyond its original flank wall. A suitable gap is therefore maintained between the side wall of the extension and the existing brick built single storey outbuilding which staggers the boundary with 15 Chesterfield Close.
7. The proposal also seeks the retention of the outbuilding that has been constructed towards the rear boundary of the property. The Council has not raised any concerns regarding its retention and I concur that the building is of a suitable size, design and appearance, given its rear garden location. The garden is of a generous depth and the rear extension, together with the outbuildings that also exist, has not resulted in a cramped form of development or an overdevelopment of the site.
8. I therefore find that the rear extension and outbuilding do not have a harmful effect on the character and appearance of the site or surrounding area. Thus, the proposal complies with Policies 6 and 37 of the Bromley Local Plan (2019) (LP) which together seek to ensure that development is of a high quality and is compatible with its surroundings and respects or maintains spaces or gaps between buildings.

Living conditions

9. The rear extension is located on the boundary with 19 Chesterfield Close and the single storey extension projects about 4.5m beyond its rear elevation.
10. There are ground floor habitable room openings on the rear elevation of No 19 as well as a raised patio to the rear. The extension would have a height of around 3.7m to the parapet when measured from the neighbouring dwelling. Whilst the combination of the height and depth of the extension has resulted in a sizable addition on the boundary with No 19, the flat roof design of the extension helps to minimise its scale and bulk such that, in my view, it is unlikely to be unreasonably dominant or overbearing when viewed from No 19.

11. The appellant has also demonstrated that the centre of the nearest opening on the rear of No 19 lies outside the 45 degree angle on elevation, so it can be reasonably be concluded that the impact of the extension on the amount of light received by the window is likely to be small.
12. Whilst there may be some reduction in light to the rear patio of the dwelling, given the depth and the single storey height of the extension, the effect of this on the living conditions of the occupiers of No 19 is unlikely to be significant. Therefore, I find that the height and depth of the extension relative to the height of the patio and internal floor levels of No 19, is unlikely to have resulted in significant loss of outlook or light to accommodation within the dwelling, or its rear garden area.
13. Accordingly, I conclude that the development has not resulted in any significant harm to the living conditions of the occupiers of 19 Chesterfield Close with particular reference to light and outlook. The development therefore accords with Policy 37 of the LP insofar as it seeks to ensure that development respects the amenity of occupiers of neighbouring buildings and those of future occupants.

Other Matters

14. A third-party representation has raised a number of other matters, some of which relate to other development on the site and generally to construction matters which are not within the remit of this appeal. Furthermore, issues relating to drainage, damage to property, party wall agreement, and general conduct are also private or civil matters or are controlled by other legislation and are not matters that I can consider under this appeal.
15. Concern has been raised about the use of the flat roof of the extension, however, this is a matter that can be controlled by a condition should I be minded to allow the appeal.
16. With regard to comments about a temporary structure within the rear garden, this structure did not form part of the appeal proposal and has since been removed from the site.

Conditions

17. I have had regard to the conditions suggested by the Council in the event that the appeal is allowed.
18. The standard implementation condition is not necessary as the development has already commenced. I have imposed the approved plans condition for clarity. A condition restricting the use of the flat roof is necessary in the interests of the living conditions of adjacent residents.
19. The Council suggest a condition requiring the outbuilding to be used for purposes incidental to the residential use of the main house. However, as any independent use of the outbuilding would require planning permission, I do not consider a condition to this effect to be reasonable or necessary.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR