

Report No.  
RR/10/00055

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** Plans Sub-Committee 2

**Date:** 20 May 2010

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** 319 DUNKERY ROAD, MOTTINGHAM SE9

**Contact Officer:** Tim Bloomfield, Development Control Manager  
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**Chief Officer:** Chief Planner

**Ward:** Mottingham and Chislehurst North

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1. Reason for report

A single storey rear extension has been erected at the rear of the property which is alleged to encroach onto a neighbouring property and it is necessary to consider whether enforcement action is expedient.

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2. **RECOMMENDATION**

No further action.

### 3. COMMENTARY

- 3.1 The site is a terraced dwelling house. On 08 August 2008 planning permission was granted for a rear single-storey extension (DC/08/02077). On 03 January 2010 a complaint was received alleging that the west flank wall had encroached on to the garden of no.317.
- 3.2 On 11 January 2010, before a site inspection was made, the complaint was withdrawn and the owner was notified accordingly.
- 3.3 The complaint was subsequently reinstated and on 01 February 2010 the site was inspected in the presence of the owner and the builder. It was confirmed that the extension encroached onto the adjoining property by the length of a brick.
- 3.4 The builder explained that when the project was first discussed with the complainant, she also intended to build a similar extension and it was agreed that the flank wall would be constructed so as to constitute the flank wall to her extension i.e. the wall would straddle the common side boundary. However the complainant subsequently decided not to proceed with an extension.
- 3.5 On 02 February 2010 a letter was sent to the owner requesting a planning application to retain the structure as constructed as the degree of encroachment was considered to be materially different to the approved plans but none was received.
- 3.6 The owner has provided a copy of an agreement signed by the complainant acknowledging service of a notice under the Party Wall Act.
- 3.7 On 10 March 2010 it was decided under delegated authority to take no further action. Although the encroachment is considered to be material it was considered that the Council should not become involved in a dispute between neighbours over what may have been agreed between them.
- 3.8 It is maintained that the previous decision made under delegated authority should stand and it is recommended that no further action is taken.

<b>Non-Applicable Sections:</b>	Policy, Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	