
Appeal Decision

Site visit made on 12 April 2017

by George Arrowsmith BA, MCD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 May 2017

Appeal Ref: APP/G5180/D/17/3168652

69 Bishops Avenue, Bromley, BR1 3ET

- 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 Giorgio Gioannotta against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05183/FULL6, dated 14 November 2016, was refused by notice dated 9 January 2017.
 - The development proposed is a rear shed.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear shed at 69 Bishops Avenue, Bromley, BR1 3ET in accordance with the terms of the application, Ref DC/16/05183/FULL6, dated 14 November 2016, subject to the following conditions:
 - 1) This permission relates to drawings Nos: GLA-01 and GLA-02.
 - 2) The building hereby permitted shall be used only for purposes incidental to the residential use of the main house and for no other purpose.
 - 3) The window over the door in the building's west facing elevation shall be obscure glazed and fixed shut and shall be retained in that condition.

Main Issue

2. The main issue is the effect of the shed, which has already been erected, on the visual amenities of the neighbouring residential property at 71 Bishops Avenue.

Reasons

3. The shed, which is around 5m wide and 3.7m deep is on the boundary with the rear garden to No 71 Bishops Avenue. It is 2.5m high at the eaves and 3.9m at the roof ridge.
4. During my site visit I viewed the shed from No 71. From that property's rear garden it appears as a prominent feature. However, given its position at the far end of the garden, I consider that it would not have an unacceptably harmful effect on No 71's visual amenity and in that regard would not conflict with the objectives of saved policy BE1 in the Council's Unitary Development Plan.
5. If the shed had a flat roof it would be permitted development under the terms of the General Permitted Development Order. It does not however follow that

development that falls outside the envelope of permitted development is necessarily unacceptable.

6. In the present case there is the additional complication that the shed has a window above the door in the elevation facing the rear of No 71. This window would be around 18m from that house's rear elevation, which leads the Council to the view that no serious loss of privacy could occur. I have some reservations about this analysis because it does not recognise that the window is closer to No 71's garden area, which its occupants could reasonably expect to be free from direct overlooking. I am aware that the shed does not have a mezzanine floor and that the window is intended only for decoration but a mezzanine floor could be installed without a further planning permission. I therefore consider it prudent to include a condition reinforcing the appellant's intention that the window be obscure glazed and fixed shut.

Other conditions

7. The Council suggest a condition restricting the use of the building to purposes incidental to the residential use of the parent house. I consider this necessary for the avoidance of doubt. Similarly, I consider it necessary to identify the approved plans to avoid uncertainty about the physical nature of what is permitted. The Council also suggest a condition prohibiting the insertion of additional windows and doors, but there is no evidence to suggest that it would be feasible to insert windows or doors that would harm the amenity of neighbouring properties, from which I conclude that the suggested condition is unnecessary. Given that the building already exists, I do not consider it necessary to impose conditions specifying the beginning of development nor is it appropriate to require matching materials when there are no materials to be matched.

George Arrowsmith

INSPECTOR