

Appeal Decision

Site visit made on 18 July 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 2 August 2017

Appeal Ref: APP/G5180/D/17/3177120

1 Court Road, Orpington BR6 0PW

- 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 G Johnson against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/00585/FULL6, dated 8 February 2017, was refused by notice dated 20 April 2017.
 - The development proposed is front/side/rear extensions to provide additional living space plus accommodation within the enlarged roofspace, including a reorientation of the property within the site.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 8A Gilroy Way with particular regard to outlook.

Reasons

3. The appeal property is a detached bungalow which occupies a triangular plot to the rear of properties on Court Road and Gilroy Way. The closest of these is 8A Gilroy Way, an extended bungalow. This property's rear garden is at a lower level than the appeal site and tapers along the common boundary. The modestly sized area is mainly taken up by an apparently well used patio leading directly from the conservatory extension.
 4. Amongst other alterations, the proposal would extend the appeal building by 4.67m in the direction of the boundary with No 8A. At its closest, this part of the extension would be 1.7m from the boundary. The elevation facing the boundary would be 8.29m wide and 4.7m high to the eaves of the half hipped roof. Having regard to the height and bulk of the proposed end wall, its elevated position and proximity to the boundary with No 8A, together with the level of usage and modest size of the adjoining garden, I consider that the proposal would have an overbearing effect on the outlook from the conservatory and rear garden of the neighbouring property.
 5. The proposal would, therefore, have a harmful effect of the living conditions of the occupiers of No 8A. As such, it would conflict with Policy BE1 of the Council's Unitary Development Plan 2006 insofar as it requires development to respect the amenity of neighbouring occupiers.
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6. In reaching this conclusion I have had regard to the changes which have been made to the scheme following the earlier dismissed appeal¹. In contrast to the earlier scheme, the current proposal would not be oriented towards No 8A. Nevertheless, it would bring significant built form far closer to the boundary with that property and, for the reasons, set out above, would be harmful to the living conditions of occupiers.
7. I recognise that previous concerns about the effect of the proposal on the character and appearance of the area have been overcome. Nor is there substantive evidence to show that the proposal would lead to a loss of privacy for neighbouring occupiers. However, the absence of further harm does not outweigh my concerns regarding the outlook of the occupiers of No 8A.
8. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

9. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR

¹ Appeal reference APP/G5180/D/16/3147114