



Appeal Decision

Site visit made on 1 June 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/G5180/W/20/3244387
30 Arthur Road, Biggin Hill, TN16 3DD

- 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 B Cockburn against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03243/FULL1, dated 24 July 2019, was refused by notice dated 15 October 2019.
 - The development proposed is a replacement detached dwelling and associated parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the neighbouring property at 30A Arthur Road, with regard to outlook and light.

Procedural Matter

3. The description of the proposal on the application form includes the words '*Amendment to DC/18/04118/FULL1*'. As the application is for a separate development rather than an amendment to a previous permission, I have omitted these words from the description in the banner heading.

Reasons

4. There is an extant planning permission for a replacement detached dwelling of a similar design to the appeal proposal¹. The main difference between the two schemes is that at the rear the appeal proposal would be approximately 2m deeper at ground floor level and 3.3m deeper at first floor level than the permitted scheme. Given the similarities between the two schemes and that the existing permission is extant, the approved scheme represents a realistic fallback position.
5. The neighbouring property at 30A Arthur Road is a detached two storey house set off the side boundary by about 1m. It has a conservatory at the rear, set away from the joint boundary. The proposed house, subject of the appeal, is also set off the side boundary by approximately 1m and would project beyond the rear wall of this neighbouring property by approximately 8m at ground floor level, and 5m at first floor level. In comparison, the extant permission would

¹ DC/18/04118/FULL1

- project beyond the rear wall of the neighbouring property approximately 6m at ground floor level and 2m at first floor level.
6. The projection of the proposed house beyond this neighbouring property would be substantial. This, in combination with the overall height and proximity to the boundary would result in the development having an overbearing effect on it. Because 30A Arthur Road is to the south of the appeal site, there would be no loss of sunlight. However, because of the height and proximity of the proposed building there would be a reduction in daylight, which would add to the sense of oppressiveness that the larger appeal building would create compared to the extant scheme.
 7. I note the appellant's comments that the demolished bungalow extended a lot further down the plot than the proposed building. However, the proposed building is different in that it would be two storeys in height with the highest side of the monopitch roof presenting itself to 30A Arthur Road. In any event, I must base my decision upon current circumstances rather than something that existed in the past and is no longer there.
 8. There is no dispute between the parties that the Council is unable to demonstrate an up to date five year housing land supply. The appeal scheme would result in a slightly larger dwelling than already permitted, but that in itself would not increase overall housing supply and the fact that it would be able to house slightly more people than the approved dwelling is a negligible difference in respect of this issue. The adverse impacts upon the living conditions of the neighbours would significantly and demonstrably outweigh any benefit that might arise from additional rooms.
 9. I note that no objection has been received from the occupiers of 30A Arthur Road. However, the lack of objection does not necessarily indicate a lack of harm. Protection of residential amenity is a recognised planning objective, and I consider that in this case harm would be caused to the amenities of the neighbouring property.
 10. I conclude that the proposed development would have a harmful impact on the living conditions of the neighbouring property at 30A Arthur Road, and would conflict with Policy 37 of the Bromley Local Plan 2019 and Policies 7.4 and 7.6 of the London Plan 2016, which require new development, amongst other objectives, to respect the amenities of occupiers of neighbouring buildings.

Conclusion

11. For the above reasons, I dismiss the appeal.

Guy Davies

INSPECTOR