
Appeal Decision

Site visit made on 28 July 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/G5180/D/20/3246666

1 Heritage Hill, Keston BR2 6AU

- 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 & Mrs Hollamby against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04205/FULL6, dated 27 September 2019, was refused by notice dated 26 November 2019.
 - The development proposed is a first floor side extension, enlargement of existing balcony and enlargement of existing ground floor side lean-to.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension, enlargement of existing balcony and enlargement of existing ground floor side lean-to at 1 Heritage Hill, Keston BR2 6AU in accordance with the terms of the application, DC/19/04205/FULL6, dated 27 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TGA.0328 01 and TGA.0328 02
 - 3) The external materials to be used in the construction of the development hereby permitted shall match those used in the existing building except for the roof of the proposed ground floor side lean-to, which shall be constructed of materials as specified within the application form.

Main Issue

2. The main issue is the effect of the proposed balcony on the living conditions of the occupiers of neighbouring residential properties, with particular regard to the effect on privacy, noise and disturbance.

Reasons

3. The detached dwelling at the appeal site sits within an area of residential properties and features single storey projections to the front and side and a first floor balcony to the rear. One side boundary of the appeal site is shared with 2 Heritage Hill and the other represents the rear boundary of the dwellings at Fox Lane. The dwellings of Fox Lane are a substantial distance from the shared boundary with gardens in the intervening space that host small outbuildings and sporadic tree planting. The ground levels within the vicinity of

the site change significantly, with this being most apparent in relation to the dwellings along Fox Lane where the pairs of semi-detached dwellings that have gardens adjacent to the appeal site are of staggered height.

4. The existing balcony is comparable to the balcony at 2 Heritage Hill and, at three sides, is not enclosed above the height of the balustrade. Along with other extensions and alterations to the dwelling at the appeal site, the balcony at the rear of the dwelling would be extended towards the boundary that is shared with the properties of Fox Lane. The balcony would also extend further from the rear elevation of the dwelling than the existing balcony.
5. The enlargement of the balcony would be modest, but it is likely that this would encourage its increased use, particularly as the plans show that the balcony would be of sufficient size to host furniture. However, even allowing for the additional capacity and associated use of the balcony, this would not cause an increase of noise, light pollution or activity at the site to an extent that would be incompatible with the surrounding residential environment or result in the undue disturbance of the occupiers of neighbouring dwellings.
6. The balcony would remain a substantial distance from the rear of the neighbouring dwellings of Fox Lane and be no closer to the neighbouring property of 2 Heritage Hill. Accordingly, even though the balcony would come closer to the neighbouring dwellings of Fox Lane than the existing balcony, would be more likely to be used as a result of its increased size and would be of exaggerated elevation relative to the dwellings of Fox Lane due to the changing ground levels, the distance between the enlarged balcony and the neighbouring dwellings would be sufficient to ensure that any increase of overlooking within the neighbouring dwellings would be negligible.
7. Whilst the balcony would be close to the rearmost part of the long gardens serving the adjacent dwellings of Fox Lane, the potential increase of overlooking caused by the development in comparison to the existing situation would not cause the neighbouring gardens to be overlooked to an extent that occupiers of those dwellings would be provided with inadequate or substantially reduced private garden space. For similar reasons, the effect of the windows at the side of the proposed first floor extension on the privacy of neighbouring residents would also be minimal.
8. For the above reasons, the proposed balcony would have an acceptable effect on the living conditions of the occupiers of neighbouring residential properties with particular regard to the effect on privacy, noise and disturbance. The proposal would, therefore, accord with Policies 6 and 37 of the London Borough of Bromley Local Plan (January 2019) which together require that proposals are compatible with development in the surrounding area and respectful of the amenity of the occupiers of neighbouring dwellings in terms of ensuring that they are not harmed by noise and disturbance or afforded inadequate privacy. The proposal would also accord with Policy 7.6 of the London Plan (2016) which requires that buildings and structures do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings.
9. I have had regard to objections that have been raised with respect to the effect on light within 5 Heritage Hill and views from that property. However, the separation distance between properties would ensure that the development would not have an unacceptable effect on the light received within that

property. Furthermore, views from private properties are not able to be protected.

Conditions and Conclusion

10. In addition to the standard condition relating to the time by which development must commence, I have attached a condition to specify the approved plans in the interests of clarity. To ensure that the development does not detract from the character and appearance of the existing building and the surrounding area, I have also imposed a condition to ensure the use of sympathetic external materials.
11. For the reasons given above and subject to the abovementioned conditions, I conclude that the appeal should be allowed.

Ian Harrison

INSPECTOR