



Appeal Decision

Site visit made on 5 January 2021

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2021

Appeal Ref: APP/G5180/D/20/3247039

21 Greenway, Chislehurst BR7 6JQ

- 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 Nikolay Koychev against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04877/FULL6, dated 14 November 2019, was refused by notice dated 9 January 2020.
 - The development proposed is construction of a new raised deck to the rear of the existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reasons for refusal set out within the Council's decision notice, refer to Policy 6 of the Bromley Local Plan 2019 (Local Plan). This policy requires residential extensions to complement the scale, form and materials of the host dwelling and area and respect spacing. Within the reasons for refusal, no objection is raised to either the appearance or spatial elements of the proposal, nor is this cited within the Officer Report. As the main issue relates to the living conditions of neighbouring property, I have disregarded this policy within my decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of adjoining properties.

Reasons

4. This two-storey mid-terrace dwelling, in common with neighbouring properties, sits in an elevated position above its rear garden. Many other properties along this side of the street have rear decking areas, although the planning status of these is unknown. The property has a 3 metre (m) projecting single-storey rear extension with bifold doors leading out to a narrow landing and flight of stairs which give access from the house to the rear garden.
5. The neighbouring property at No 19 has a similar rear extension to that seen at the appeal property and the proposed terrace would extend 3m beyond this. The other neighbouring property at No 23 has no rear extension and sits around 3m behind the existing landing area of No 21. A 3m wide deck would

- project some 6m beyond the rear building line of this property. The proposed projection of the deck area would therefore allow overlooking towards the rear of the neighbouring properties and harm the privacy of neighbouring occupiers.
6. It has been suggested that obscure glazed screens would improve privacy. This was a feature of a previous planning application reference DC/19/02969/FULL6. The decision notice relating to this application has been submitted however, the plans showing the details of the screen have not. Installation of a screen could be secured through a condition. However, I have no certainty that a screen of sufficient height to protect the privacy of neighbouring occupiers would not have an overbearing and overshadowing effect upon these properties, even if it were to be opaque. This would be particularly harmful to No 19 which would have both the existing 3m rear extension and a 3m screen along its north western boundary. Consequently, I do not consider that imposition of such a condition would make the proposal acceptable.
 7. It is currently possible to reach the appeal rear garden by way of the existing staircase and the purpose of the proposal is to improve this access. I also accept that the width of the current landing area may make use of the bifold doors difficult. However, it is possible that other solutions to this problem could be investigated without the need for such a large decking area and the consequent harm to neighbouring privacy.
 8. In conclusion, although there is already a mutual sense of overlooking between gardens and rear decking areas, the proposed 3m additional projection beyond the current building line would accentuate this. Therefore, the harm this proposal would cause to the privacy of the neighbouring occupiers would be contrary to Policy 37 of the Local Plan. This policy, which amongst other matters relates to the general design of developments, seeks to protect residential amenity including privacy.
 9. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR