



Appeal Decision

Site visit made on 14 December 2020

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/G5180/D/20/3256113

27 Madeira Avenue, Bromley BR1 4AP

- 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 Leyon Palmer against the decision of The London Borough of Bromley Council
 - The application Ref DC/20/00406/FULL6, dated 27 January 2020, was refused by notice dated 1 May 2020.
 - The development proposed is conversion of garage to habitable room with front bay window, single storey rear extension, rear raised patio and elevational alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of neighbouring residential occupiers, with particular reference to light, outlook and privacy.

Procedural Matters

3. As the description of development varies between the documents submitted for the purpose of this appeal, I have used the description of the development from The London Borough of Bromley Council Decision Notice and the appellant's Grounds of Appeal Statement, as it has been used by both parties and accurately describes the proposal.

Reasons

4. The appeal dwelling is located at the end of a short terrace of three two storied houses, in a long suburban street which, in this local part, is made up of houses in short terraces and semi-detached houses, differing in design but similar in their modest scale. The issues of this appeal, as set out above, relate to the proposed single storey rear extension and the extension of the rear patio/terrace.
5. The proposal would replace the existing small single storey conservatory extension at the rear of the appeal dwelling, with a larger single storey extension with a part hipped/part flat roof with a central skylight, which, similar to this conservatory, would be at a lower level than the ground floor of the appeal dwelling.

6. The proposed rear extension would reach almost across the full width of the rear wall of the appeal dwelling and project 5m into the garden from the rear wall of the original appeal dwelling. This is accompanied by a proposed extension of the existing rear raised patio/terrace that would project approximately 3.5m further into the rear garden, thereby increasing the difference in level of the patio terrace for this extended part, compared to the garden level of the appeal property and neighbouring properties.
7. 29 Madeira Avenue (No 29) has a glazed double patio door to a habitable room that is close to the shared boundary with No 27. There is generally an open outlook from the rear of this property and patio area, only partly restricted by the existing conservatory at the rear of the appeal dwelling. In this context, I consider that a part hipped/part flat roofed extension of the height and depth proposed would appear as overbearing and be experienced as oppressive by the occupants of No 29, thereby resulting in a loss of outlook.
8. The existing conservatory is glazed on the side adjacent to the boundary with No 29, which does allow for some indirect overlooking of this neighbouring property and does negatively impact on the privacy of its residential occupiers. It is noted that the proposed rear extension does not have any glazing in its side wall and removes this indirect overlooking. However, the length of the proposed extension and the concomitant extended raised terrace, when compared to the garden level of No 29, would create greater opportunities for more direct overlooking into this neighbouring property than currently exists. On balance, the more direct overlooking resulting from the proposal would result in a more significant loss of privacy to neighbouring residential occupiers compared to the existing indirect overlooking that it would replace.
9. The proposed height and depth of the proposed rear extension and its close proximity to the boundary and glazed rear doors of No 29, would result in some daylight being cut out to the room served by the glazed double patio door. However, given the east facing aspect of this glazed door, with the proposal to its north, there would be no loss of direct sunlight. Although the loss of daylight I have identified would not be decisive on its own, it would add to the overall impact on the living conditions of the residential occupiers of No 29.
10. The proposal would therefore be visually intrusive, causing loss of outlook, light and privacy to the residential occupiers at No 29, to the degree that it would result in unacceptable harm to their living conditions. As such it would be contrary to Policies 6 and 37 of the Bromley Local Plan (2019), Policy 7.6 of the London Plan (2016) and Paragraph 124 of the National Planning Policy Framework (the Framework), which concern the protection of living conditions as far as they seek to ensure that development is compatible with development in the surrounding area and of good design that respects the amenity of occupiers of neighbouring buildings, allowing for outlook, adequate daylight and privacy.

Other Matters

11. The appellant has suggested that a condition could be applied to an approval that would require screening by way of a fence or privacy screening to be installed along the boundary of the proposed extended terrace with No 29. However, an approval with such a condition would add to the overbearing effect of the proposal, adding to that of the proposed rear extension I have identified. Such an approach would therefore not make an unacceptable

development otherwise acceptable, as set out in paragraph 54 and 55 of the Framework and Planning Practice Guidance.

12. Whilst the Framework places significant emphasis on maximising homeowners' freedom to alter and extend their properties to improve their living conditions, it also requires that new development should be of good design and provide a high standard of amenity for existing and future occupiers.

Conclusion

13. For the above reasons and with the presumption in favour of sustainable development and paragraph 11 of the Framework in mind, I conclude that the appeal should be dismissed and planning permission refused.

Victor Callister

INSPECTOR