

Appeal Decision

Site visit made on 22 January 2020

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/G5180/D/20/3261982

10 Elderslie Close, Beckenham BR3 3BB

- 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 Matt & Michelle Solley against the decision of the Council of the London Borough of Bromley.
 - The application, Ref. DC/20/02224/FULL6, dated 18 June 2020 was refused by notice dated 8 September 2020.
 - The development proposed is a first floor extension to create a two storey dwelling, new hipped roof and elevational alterations.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 9 March 2021.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions for the adjoining occupiers at Nos. 8 and 12, with particular regard to outlook and light.

Reasons

3. I saw on my visit that Elderslie Close comprises both two storey dwellings and bungalows. Of particular relevance to this appeal is that the appeal dwelling at No. 10 occupies a position on its plot set forward of No. 12 and in part to the rear of no. 8. I note that other residents of the Close have raised objections in both general and specific terms, but I am satisfied that my decision essentially rests on a planning judgement in respect of the main issue summarised above.
 4. Turning firstly to the effect on No. 12, this dwelling is orientated at an angle towards No. 10 and this factor significantly affects the outlook from the front of the property, in particular the sitting room. Indeed, I was able to observe on my visit that the aspect through the bay window of that room is perceived as being almost as much of the flank of No. 10 as of the open area of lawn in the front garden of No. 12.
 5. Taking this into account and having regard to (i) the proposed extension's proximity of less than a metre to the boundary with No. 12, (ii) the relatively modest linear distance between the two dwellings, and (iii) the substantial increase in scale and mass of the proposed first floor and roof addition, I am
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satisfied that the impact on the outlook from one of the main habitable rooms of this neighbouring property would be perceived as being overbearing and thereby unacceptable in terms of the application of criterion e of Policy 37 of the Bromley Local Plan.

6. Items (i), (ii) and (iii) above would also result in the appeal proposal having a similarly adverse effect on the outlook from the rear ground floor windows of No.8, in particular those closest to No. 10. The adverse impact would be exacerbated in the event of the implementation of the approved extensions at No. 8.
7. The rear garden area of No. 8 closest to the house would additionally be subject to an undue sense of enclosure as a result of the significant increase in height at close quarters of the flank wall of No. 10.
8. Because of these relationships with the neighbours to either side, the Council considers that the upwards extension of the appeal dwelling would also have significant consequences in terms of light. The officer's report cites this within the reason for refusal but does not refer to the appellant's BRE daylight and sunlight assessment.
9. I have had regard to the appellant's assertion that this assessment establishes that the proposed development would in this regard have a 'minimal impact' on neighbouring properties. However, I must also have regard to the fact that the study was undertaken without access to the neighbouring properties and that shadow plots have not been prepared (on the basis that they are considered to be of limited use), albeit that the BRE'S 'objective overshadowing test' has in fact been applied. The neighbours at Nos. 8 and 12 have made detailed criticisms of the BRE assessment findings and ostensibly these appear to raise issues as to their accuracy. In addition, third parties have alleged inaccuracies and misleading information in the submitted plans.
10. Given that the appellants' evidence and the evidence of third parties use different methodologies and that the limitations of my single site visit preclude thorough on-site inspection and adjudication on alleged inaccuracies, I am unable to conclude with confidence as to the extent of any impact that the scheme would have on the daylight and sunlight currently enjoyed by the occupiers of Nos. 8 and 12. In the event, this is of no consequence as I am entirely satisfied from my inspection of the appeal site, including visits to the adjoining dwellings to the front and rear, that the appeal scheme would have an unacceptable effect on the living conditions of these occupiers as regards outlook.
11. I have taken account of the fact that through successive schemes the appellants have attempted to resolve objections raised by the Council and neighbours and that the proposal is important to the family which in one respect has special needs for additional living space. However, these factors are insufficient to outweigh my finding that the first floor additions would be in unacceptably harmful conflict with Local Plan Policies 6 & 37 and paragraph 127f) of the National Planning Policy Framework 2019.
12. For the reasons explained above, the appeal is dismissed.

Martin Andrews

INSPECTOR