



Appeal Decision

Site Visit made on 27 April 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/G5180/W/20/3259893

23 Ethelbert Close, Bromley, BR1 1JB

- 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 Matthew Pearson against the decision of London Borough of Bromley.
- The application Ref DC/20/01248/FULL1, dated 30 March 2020, was refused by notice dated 9 June 2020.
- The development proposed is described as a double storey rear extension.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 05 May 2021.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address and description of the development in the banner heading above are taken from the application form. No 23 Ethelbert Close is a ground floor flat with another flat, No 24, on the first floor (Nos 23 / 24). The proposals comprise works to both properties. The proposed development is described on the decision notice and appeal form as '*Part first floor/two storey rear extension and elevational alterations at Nos. 23 and 24 Ethelbert Close (JOINT APPLICATION)*'. The submitted drawings show the construction of an extension at first floor level in place of a balcony over an original single-storey rear projection. I have determined the appeal on this basis.
3. Planning permission for a single-storey rear extension to the appeal property was granted on 9 September 2020¹. This has been constructed. The ground floor side elevation of the extension as built differs from that shown on the Proposed Elevations drawing submitted for the proposal before me so, for the avoidance of doubt, I have determined this appeal on the basis of the drawings submitted for the appeal application.
4. During the course of the appeal, The London Plan² was published on 2 March 2021, superseding The London Plan 2016. The parties have been given the opportunity to comment on the implications of the publication for this appeal. The Council has referred to Policies D3 and D4 of the London Plan 2021 as the most relevant policies, indicating that Policy D4 has replaced Policy 7.6 of the

¹ DC/20/02455/FULL1

² The Spatial Development Strategy for Greater London March 2021

2016 version, cited in the reason for refusal³. The Council considers that these policies continue to justify its position in respect of this appeal.

5. The Council's response was copied to the appellant, who had the opportunity to respond. No response was received from the appellant but I am satisfied that my determining the appeal with regard to Policies D3 and D4 is without prejudice to the appellant's case.

Main Issue

6. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

7. Nos 23 / 24 form one half of a building accommodating 4 flats, with Nos 21 and 22 Ethelbert Close (Nos 21 / 22) forming the other half. The flats have 2-storey outriggers to the rear at both ends with single-storey elements to the inner sides of these outriggers. A gap between the single-storey elements for No 21 and No 23 forms a set back, which would be retained in the proposals.
8. However, the set back to No 21, the ground floor flat, contains a window facing the rear of the property providing the sole source of natural light to the room it serves. Whilst this window faces the rear garden of Nos 21 / 22, the proposals would result in a substantial 2-storey elevation in proximity to this window, significantly reducing the outlook from and daylight to it. In addition, as the appeal property is to the south-east of No 21, the proximity, height and cumulative depth of the proposed extensions would result in significant overshadowing of and loss of sunlight to the room.
9. Nos 25 / 26 are located close to and to the south-east of the appeal property, separated by narrow paths to the rears of the properties and a closeboarded fence along the common boundary. The appeal property is set a little back from Nos 25 / 26 so that the side elevation of the existing 2-storey rear projection to Nos 23 / 24 extends beyond the rear elevation of Nos 25 / 26. At my site visit it appeared that the rear garden of Nos 25 / 26 had been divided into two lengthwise, creating two narrow gardens. As their depth is also limited, the resulting gardens are small.
10. The proposed 2-storey extension would extend approximately 2.5 m beyond the rear of the appeal property. This would result in a substantial elevation close to the boundary between Nos 23 / 24 and Nos 25 / 26 for the majority of the depth of the rear gardens of the latter, including the area immediately to the rear where occupiers of Nos 25 / 26 are most likely to sit out. Although not a reason for the refusal of the planning application, the side elevation of the extended property would be overbearing for anyone using the closer garden of Nos 25 / 26. Given the small size of this garden, this would be oppressive and would significantly detract from the ability to enjoy the outdoor space.
11. For the reasons given above, I conclude that the proposals would be harmful to the living conditions of the occupiers of No 21 and of the users of the north-western garden to Nos 25 / 26. Accordingly, in this respect, they would conflict with Policy 37 of the Bromley Local Plan (2019) which sets out, amongst other

³ Email dated 14 April 2021

things, that developments will be expected to respect the living conditions of occupiers of neighbouring dwellings.

12. The proposals would also conflict with Policy D3 of The London Plan 2021 which, amongst other things, sets out that development proposals should deliver appropriate outlook and amenity and achieve comfortable and inviting outdoor environments. It would not conform with the general thrust of Policy D4 of The London Plan 2021 to deliver good design.

Other Matters

13. I note the appellant's personal statement and understand his family's needs. However, the approved ground floor extension provides the additional bedroom required by the appellant and I have no evidence that the first-floor extensions to No 24 are required to meet his family's needs. Therefore, whilst mindful of the Public Sector Equality Duty contained within Section 149 of the Equality Act 2010, the needs of the appellant's family do not justify the appeal proposals.
14. I acknowledge that many of the properties on Bromley High Street have been extended to the rear and that planning permission was granted for a 2-storey rear extension at 67 Ravensbourne Road, Bromley in 2014. However, these extensions do not have the same relationship to neighbouring dwellings as the proposals before me and so are not directly comparable. I also accept that no objections were raised by the occupiers of any of the neighbouring properties, but as those occupiers did not express support for the proposals, the lack of objections only carries neutral weight in my determination.

Conclusion

15. I have found above that the proposals conflict with the development plan taken as a whole. There are no considerations, including the needs of the appellant's family, that indicate that a decision should be made other than in accordance with the development plan.
16. For this reason, and having regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR