
Appeal Decision

Site Visit made on 12 October 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/G5180/D/21/3276299

89 Queen Anne Avenue, Bromley, BR2 0SE

- 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 Beau Baptist against the decision of London Borough of Bromley.
 - The application Ref DC/21/00368/FULL6, dated 7 January 2021, was refused by notice dated 19 May 2021.
 - The development proposed is described as "Erection of a children's tree house RETROSPECTIVE in the rear garden of 89 Queen Anne Avenue, Bromley, BR2 0SE".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description of development is taken from the appeal form, as this more concisely described the proposal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 87 Queen Anne Avenue, with particular regard to overlooking and outlook.

Reasons

4. The appeal relates to a tree house located within the rear garden of the appeal site and along the boundary shared between the appeal property and 87 Queen Anne Avenue (No 87). The tree house is positioned such that there are clear views of the garden of No 87 from the access steps as well as from within the tree house itself, which are from an elevated position looking above the boundary treatment. I observed that there were also views possible towards the rear elevation of No 87, and it was possible to see into the living space within the property.
5. While I acknowledge that the tree house is intended for use by children and may be used sporadically, I am also conscious that occupiers of No 87 are likely to be particularly aware of the possibility of being overlooked from the elevated position, when both inside and outside the property. In my view, this would result in an uncomfortable situation for occupiers that would diminish the enjoyment of their house and garden. The separation distance between the rear elevation of No 87 and the tree house would not sufficiently ameliorate this effect.

6. The tree house would be visible from No 87, both from inside the property and from the garden area. However, given that it does not substantially extend above the boundary treatment, as well as that such domestic structures are common features of residential gardens, I do not consider that the appearance of the tree house is sufficient to result in any unacceptable loss of outlook. This however is a neutral consideration and does not outweigh the harmful effect I identify above.
7. Accordingly, while I find that there would be no unacceptable loss of outlook, there would be an unacceptable effect on the living conditions of the occupiers of No 87 through overlooking. Thus, the proposal conflicts with policy 37 of the Bromley Local Plan (2019), insofar as it seeks to ensure that development respects the amenity of the occupiers of neighbouring buildings.

Other Matters

8. I note reference to the development being similar in height to other garden structures, however it is the specifics of the appeal scheme that I find to be unacceptable. There is also mention of the possibility of adding trellis to the boundary to screen views, however I do not have details of this before me and as such am unable to determine whether this would acceptably reduce the extent of the overlooking.
9. There is reference to the process of the committee meeting at which the decision to refuse the planning application was made. This is however not a matter for me to address as part of my consideration, I have made my decision on the basis of the planning merits of the proposal.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR