



Appeal Decision

Site visit made on 17 February 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/G5180/D/21/3282126

1 Barnfield Wood Close, Beckenham BR3 6SY

- 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 Bird against the decision of London Borough of Bromley.
 - The application Ref DC/21/02358/FULL6, dated 12 May 2021, was refused by notice dated 8 July 2021.
 - The development proposed is a two-storey rear extension and extension to existing dormer with glazed gable to front elevation and elevational alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. Policy 37, criterion e of the London Borough of Bromley Local Plan (January 2019) (Local Plan) does not specify outlook. The overarching expectation of Policy 37 is that a high standard of design and layout is achieved by new development, and that the new development is expected to respect the amenity of occupiers of neighbouring buildings and those of future occupants, along with other matters. It is commonly accepted that 'amenity' is a broad concept and not formally defined in legislation nor procedural guidance and thereby should be considered on a case-by-case basis. In this case, outlook is considered relevant.
3. The main issue in this appeal, therefore, is the effect of the proposed development on the living conditions of the occupants of 89 Barnfield Wood Road in relation to outlook.

Reasons

4. Barnfield Wood Road and Barnfield Wood Close are both suburban residential roads with a variety of well proportioned, two-storey, detached properties on a mix of plot sizes. The appeal property at 1 Barnfield Wood Close forms part of a group of 5 detached, two-storey dwellings with 2 Barnfield Wood Close and 87, 89 and 91 Barnfield Wood Road. They are all similar in age, size, design and proportions, notwithstanding later additions, and are on reasonably modest plots. Nos 87-91 have smaller gardens than Nos 1 and 2, and their rear boundaries make up the side boundary of the appeal site.
5. The land falls away from the rear of No 1 towards the Langley Park Golf Club on the opposite side of the road. This means that the rear garden of the appeal site and Nos 87 and 89 are at a higher level than the appeal dwelling. No 89

has a more enclosed rear garden than the surrounding properties, this is due to the stepped rear elevations of Nos 87 to 91, the higher position of No 87, and the mature planting along both side boundaries. The only open aspect to the rear of No 89 is over the rear garden of the appeal property.

6. The proposed extension would extend some 4.5m into the garden maintaining the existing ridge height. Notwithstanding that the extension would be some 1.1m below the ground level of No 89, this would create a full height, blank elevation facing the rear of No 89 close to the shared boundary. Such a feature would reduce the only open aspect to the rear of No 89 by an unacceptable amount. This would further enclose No 89's modest garden thus constraining and urbanising the otherwise suburban outlook from No 89.
7. The oblique positioning of the appeal property and No 89, and the relatively distant position of the eastern corner of the proposed extension from the rear elevation of No 89 does not alter the fact that the proposed side elevation would run parallel and close to a significant portion of the shared boundary. While the existing boundary fence would provide screening of the ground floor of the proposed development, this does not negate the visibility of the proposed upper floor and roof over the fencing. These elements of the design do not therefore mediate the harm found to the outlook from No 89.
8. The Council's lack of objection to the other elements of the proposed scheme is accepted, as is that some design guides set minimum distances. However, the Council does not have such guidance. Equally, concerns relating to the lack of site visit by the Council and the accuracy of submitted photos are also noted, as are the previously approved extensions at 87 Barnfield Wood Road. During the visit, the appeal site and No 89 were both viewed and the alterations to No 87 could be seen. All these matters form part of my considerations, but do not alter my findings.
9. I have had regard to the approved Certificate of Lawfulness of a Proposed Use or Development (reference DC/21/03816/PLUD) for a two-storey rear extension of some 3m in depth. However, this does not mediate the harm identified as the permitted development scheme would be smaller than the proposed development before me.
10. All parties have referred to the potential effect the proposal would have on the light available to the occupants of No 89 but none have evidenced their positions. As I am dismissing the appeal for other reasons, I have not pursued this matter further.
11. The appellant has referred to the Council's lack of 5 year housing supply, various paragraphs from the National Planning Policy Framework (the Framework) with specific reference to the presumption in favour of development and design, and Policy D3 of the London Plan (2021) relating to site optimisation. I have had regard to these policies and note they are more recent than those within the Local Plan. However, Local Plan policies 6 and 37 are consistent with Paragraph 130 of the Framework in respect of living conditions.
12. In conclusion the proposed development would harm the living conditions of the occupants of 89 Barnfield Wood Road in relation to outlook and this is contrary to Local Plan Policies 6 and 37, insofar as they relate to living conditions.

Conclusion

13. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR