



Appeal Decision

Site visit made on 16 August 2022 by T Bennett BA (Hons) MSc

Decision by Kenneth Stone BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2022

Appeal Ref: APP/G5180/D/22/3294147

16 Crab Hill, Beckenham, BR3 5HE

- 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 Mrs Christina Hamilton against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/05013/FULL6, dated 16 October 2021, was refused by notice dated 6 January 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Application form describes the proposed development as a single storey rear extension, but does not reference the use of its roof as a balcony. The reason for refusal references the balcony feature and the submitted plans show a balcony utilising the roof of the proposed single storey extension. Notwithstanding the generic nature of the description of development, this appeal has been determined on the basis of the development which includes a balcony.
4. The existing and proposed left side elevation plans show the same tall boundary treatment along the shared boundary with 44 Downs Hill. The extent of this shown on the plans was not evident on site and I note it is not part of the original application. Therefore, this appeal has been determined on the basis of the boundary treatment I observed on my site visit.

Main Issue

5. The effect of the proposed balcony on the living conditions of the neighbouring occupiers at 44 Downs Hill and 14 Crab Hill (Nos 44 and 14), having particular regard to privacy and noise.

Reasons for the Recommendation

6. The appeal property is a large, detached house set in a spacious plot, with a long rear garden sloping down and away from the rear elevation similar to the

neighbouring properties. It is located within the Downs Hill Conservation Area (CA) where the significance is derived from properties age and style which loosely reflect the Arts and Craft movement.

7. The Council's concern relates only to the balcony element of the proposed rear single storey extension. Based on my site visit and from assessing the proposed materials, form, scale and siting of the single storey rear extension I find no issues in relation to the character and appearance of the proposed extension, agreeing with the Council in this regard.
8. The proposed balcony would replace an existing balcony which the Council states has a depth of approximately 1.1 metres and width of 3.4 metres, this appears consistent with what I viewed on site. The replacement balcony would be significantly larger, sited on top of the proposed extension which would extend to approximately 10 metres wide and 3.3 metres deep and would be enclosed by glass balustrading.
9. I am mindful that the existing balcony and rear fenestration already allows for overlooking into the patio area of No 44, particularly as the height of the shared boundary treatment reduces significantly close to the appeal properties patio. However, the proposed balcony, as a result of its increased width and depth, would allow for additional views into the neighbouring occupiers amenity space and would be of ample size to accommodate furniture and for a number of people to congregate or sit out, which is not possible at present. This would likely lead to the balcony being used for more prolonged periods compared with the existing balcony and when compared with the shorter duration of views from existing windows.
10. With regards to No 14, this is set marginally forward of the appeal property and along with the vegetation on this shared boundary some degree of screening is provided. However, due to the height and proximity of the proposed balcony feature to the boundary, I am not convinced that the vegetation is of a sufficient height to prevent harmful overlooking and a gap does exist between the rear elevation of No 14 and where the taller vegetation commences, providing further opportunity for overlooking. Furthermore, there is no guarantee that the vegetation would remain in perpetuity.
11. Due to the above factors, the proposed balcony would significantly and detrimentally increase the opportunity and ability for overlooking into the amenity space of the neighbouring occupiers and would result in material harm to privacy compared to the existing levels. The appellant has suggested that the glass balustrading could be obscurely glazed, however as this has a relatively low height, this would do little to overcome the identified harm.
12. In coming to my conclusion above, I have also had regard to any possible overlooking that presently exists at ground floor level as a result of the gardens topography. However, on my site visit I found that the existing boundary treatments provided limited opportunity for overlooking at this level.
13. I have carefully considered the Council's assertion that use of the balcony would result in increased noise and disturbance. However, I have been presented with no compelling evidence that this would be the case and I see little difference in potential noise generation from activities that could already take place in the garden. I therefore find the proposed balcony would not have

a detrimental impact on living conditions for the neighbouring occupiers in respect of noise.

14. Given the scale and siting of the proposal, with limited views from the wider CA, I am satisfied from all I have seen and read that it would not have a harmful impact on the significance of the CA and agree with the Council in this respect. Accordingly, a finding of no harm ensures that the proposal would preserve the character and appearance of the CA and that the duty under S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the conservation area has been fulfilled.
15. For the reasons given above, despite not finding harm in respect of noise, the proposal would result in a loss of privacy causing material harm to the living conditions of the neighbouring occupiers. It would therefore conflict with the Development Plan and in particular Policies 6 and 37 of the Bromley Local Plan (2019) and Policy D4 of The London Plan (2021) which, amongst other matters, require development to respond to its surroundings, deliver good design and respect amenity of neighbouring occupiers.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR