



Appeal Decision

Site visit made on 6 September 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2022

Appeal Ref: APP/G5180/D/22/3293564

64A Hill Brow, Bromley BR1 2PQ

- 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 Gary Tarrant against the decision of the London Borough of Bromley.
 - The application Ref DC/21/03052/FULL6, dated 16 June 2021, was refused by notice dated 30 December 2021.
 - The development proposed is the formation of two dormer windows in rear roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of two dormer windows in rear roof slope at 64A Hill Brow, Bromley BR1 2PQ in accordance with the terms of the application, Ref DC/21/03052/FULL6, dated 16 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, 3599/24, 3599/25A, 3599/26, 3599/27A, 3599/28 and 3599/29.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials that match those used in the existing building.

Preliminary Matter

2. The description of the development above is taken from the appeal form rather than the application form as it represents a more accurate description of the development proposed.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property, Stotfold.

Reasons

4. The appeal site is occupied by a two-storey detached dwelling with additional rooms in the roof space, currently served by rooflights. The dwelling is located in a residential environment, surrounded by a number of other large, detached dwellings. To the rear of the appeal dwelling is a property known as Stotfold which is currently occupied by six residential flats.

5. Due to the orientation of the appeal dwelling, the proposed dormer windows on the rear elevation would face the neighbouring building at Stotfold. However, this neighbouring building is located a substantial distance from the shared boundary with the appeal property, with a large garden to the rear. Although the appeal dwelling is located in close proximity to the rear boundary, due to the overall separation distance between the two buildings, the proposed dormer windows would not result in any significant overlooking into this neighbouring building.
6. The proposed dormer windows would also face the rear garden at the neighbouring property of Stotfold. However, there is a significant amount of well established planting along this shared boundary, the majority of which, I noted during my site visit, is located within Stotfold's boundaries and therefore cannot be removed by the occupiers of the appeal property. Whilst this would be somewhat diminished during the winter months when the trees have lost their leaves, this planting would still provide a good amount of screening between the two properties. Furthermore, although located at a slightly higher level, the view from the proposed dormer windows would not be significantly worse than the existing first floor windows on the rear of the appeal property. Therefore, the proposed development would not result in a significant loss of privacy to the occupiers of Stotfold when using their rear garden.
7. Consequently, the proposed development would not result in adverse harm to the living conditions of the occupiers of the neighbouring building, Stotfold, and would therefore comply with Policy 37 of the London Borough of Bromley Local Plan (2019). This policy seeks to ensure that new development respects the amenity of occupiers of neighbouring buildings by ensuring they are not harmed by inadequate privacy.

Other Matters

8. I note that a previous planning application¹¹ to develop the appeal site was refused by the Council partly due to overlooking concerns from rear dormer windows. However, this is a separate application which should be considered on its own merits. This previous application, or any subsequent applications, would therefore not alter my overall conclusions.
9. The appellant has highlighted that the neighbouring dwelling, Stotfold, is a listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest. The Council does not allege that the development would have an adverse effect on this listed building, its setting or any features of special architectural or historic interest which it possesses. Having considered the development and visited the appeal site, I concur with that view and find that the development would preserve the listed building and its significance as a designated heritage asset.
10. The Council have stated that the appeal site is also partially located within the Malverstone Road Conservation Area which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the

¹¹ 12/00153/FULL1

desirability of preserving or enhancing the character or appearance of a Conservation Area. The Council does not allege that the development would have an adverse effect on the character or appearance of the Malverstone Road Conservation Area or its setting, and no other objections have been received regarding this. Having considered the proposed development and visited the appeal site, I concur and find that the proposed development would preserve the character and appearance of this designated heritage asset.

Conditions

11. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development.

Conclusion

12. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR