



Appeal Decision

Site visit made on 23 December 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 23rd January 2023

Appeal Ref: APP/G5180/D/22/3308145

20 Byne Road, Sydenham, Bromley, London SE26 5JE

- 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 S and Mrs J Garwood against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/02739/FULL6, dated 8 July 2022, was refused by notice dated 5 September 2022.
 - The development proposed is the demolition of an existing rear extension and construction of a wraparound extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 22A Byne Road.

Reasons

3. The proposed development includes a wraparound extension which would infill the gap between the rear outrigger of the appeal property and the shared boundary with 22A Byne Road which has habitable accommodation at ground floor level. The appeal scheme would extend along the shared boundary beyond the current rear elevation of the property's outrigger. This boundary is currently defined by a wooden fence and the eaves height of the proposed extension would be taller than the fence. The proposed pitched roof would slope away from the shared boundary.
4. Within the rear elevation of No. 22A there is a habitable room window at ground floor level. There are openings within the side elevation of No. 22A's outrigger which appear to include a glazed door to a kitchen/dining area and an obscure glazed window serving a bathroom. There is a patio style window within the rear elevation of the outrigger which also serves the kitchen/dining area and, as such, the side door is as secondary source of daylight and outlook. Between the outrigger of No. 22A and the shared boundary are 2 trees which filter views from the rear facing window towards the garden.
5. Although the claims of the appellant about the baseline position have been carefully noted, the proposed extension would be longer than the outrigger of the appeal property and it would be taller than the existing fence. Further, by reason of the choice of external materials and the sloping roof, the appeal

scheme would have a greater bulk and mass than the existing fence. For these reasons, there would be an increased sense of enclosure for the occupiers of No. 22A, together with a loss of outlook from the rear facing window, which would result in the appeal scheme being a visually overbearing form of development notwithstanding the filtering effect of the trees.

6. The appellant has referred to a similar extension at 16 Byne Road but, although it could be observed during the site visit, the full planning circumstances of this other scheme have not been provided. Therefore, this appeal scheme has been assessed on its own circumstances.
7. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 22A Byne Road and, as such, it would conflict with the National Planning Policy Framework whereby developments should ensure that there is a high standard of amenity for existing and future users.
8. Policies 6 and 7 of the Bromley Local Plan, which are referred to in the reason for refusal, are not considered to be of direct relevance to the main issue because they concern the design, character and appearance of residential extensions. However, this does not affect the conclusion that this appeal should be dismissed for the reasons given.

D J Barnes

INSPECTOR