



Appeal Decision

Site visit made on 11 January 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/G5180/D/22/3304116

82 Queen Anne Avenue, Bromley, BR2 0SD

- 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 and Mrs Sivaraj against the decision of the Council of the London Borough of Bromley.
 - The application Ref 22/00873/FULL6, dated 1 March 2022, was refused by notice dated 17 June 2022.
 - The development proposed is described as retrospective planning for ground floor rear extension and decking. Planning previously granted on 09/03/2020 (DC/19/04893/FULL6).
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension and decking at 82 Queen Anne Avenue, Bromley, BR2 0SD in accordance with the terms of the application, 22/00873/FULL6, dated 1 March 2022, and subject to the following condition:
 - 1) The development hereby permitted shall be in accordance with the following approved plans: PL 01; PL 503; PL 502; PL 501

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application. However, I have omitted from the description of development in my decision those words which do not describe acts of development.
3. The proposal is to obtain planning permission for the construction of the rear extension, raised decking and fencing. However, at the time of my site visit, I saw that the development has been completed. As such, I have dealt with this appeal on the basis that the proposed development has been completed largely in accordance with the plans. Additionally, the only issues identified in the reason for refusal relate to the raised decking area. The Council dealt with the proposal on this basis and so shall I.

Main Issues

4. The main issues are the effect of the proposed development upon the character and appearance of the wider area; the effect of the development on the living

conditions of the occupiers of adjoining properties with regard to privacy, with particular regard to the raised decking area.

Reasons

Character and Appearance

5. The application relates to a two-storey end-of-terrace property located on Queen Anne Avenue, Bromley, which is immediately adjacent to an access road.
6. The properties along Queen Anne Avenue and the surrounding area are similar in age and overall design. In terms of character, I note that the properties on this terrace are located on a slight incline, such that the gardens of these properties are on a slope which leads downwards away from the road. As such, many of the properties (including the adjoining property at no 80), have raised decking areas in their gardens. As such, decking of the type used in the development is not unusual or out of character with surrounding development.
7. The design and size of the decking area is not disproportionate with the rear extension or incongruous with the overall size of the rear garden. As such, the development would be subservient to the host property. The decking uses appropriate materials in its construction and the overall design harmonises with the brickwork of the appeal site and the wooden fences.
8. Additionally, due to the relatively high height of the fencing and the slope, there is no visibility of the raised decking area from the rear aspect of the property, which includes views from the adjacent access road.
9. While the raised decking area does reach outwards away from the property to a greater extent than other buildings along the terrace, this does not fundamentally change the general character of the neighbourhood nor indicate that the raised decking area should be considered unacceptable. Accordingly, the proposed development is not out of keeping with or harmful to the appearance of the property and the wider terrace.
10. I therefore conclude that the proposal would not harm the character and appearance of the area. It would therefore comply with the criteria for residential extensions to be of a high standard and compatible with development in the surrounding area in compliance with Policies 6 and 37 of the London Borough of Bromley Local Plan (2019). Additionally, the proposed development would respond to local distinctiveness and the surrounding built environment in compliance with Policies D3 of the London Plan (2021) and paragraph 130 of the National Planning Policy Framework (2021).
11. The Council also alleges a conflict with policies D4, D5 of the London Plan (2021). However, my attention has not been drawn to any words in those policies that are relevant to this issue. Additionally, references to policies 7.4 and 7.6 relate to a previous version of the London plan which has since been superseded. Those policies have therefore not been determinative in my decision.

Living Conditions – privacy and amenity of adjoining properties

12. As the appeal site is situated at the end of the terrace, one side of the property is occupied by a form of access way. On that side there is no direct adjoining

owner, therefore the closest property on that side is no 84 Queen Anne Avenue. Due to the distance between them and the height of the fencing, that property would not be adversely affected by any loss of privacy or amenity as a result of the proposed development.

13. Accordingly, the concerns of the Council primarily relate to the impact on the amenity and privacy of the occupiers of the property at 80 Queen Anne Avenue. At that property, there is a similar decking area as the appeal site, albeit it does not reach outwards to the same extent as the appeal site. However, the respective seating areas are not positioned parallel with one another due to the addition of the rear extension at the appeal site. Furthermore, the appeal site is encircled by high fencing on all sides, including that which adjoins the neighbouring property. To that, an additional segment of fencing has also been added to the decking itself, which provides additional screening. Some degree of overlooking is commonplace and generally acceptable in such a built-up urban area. Accordingly, the proposed development would not have an unacceptably harmful effect on the privacy of the occupiers of the neighbouring property.
14. The Council have not provided any further detailed information on their concerns regarding the impact on amenity, however, an additional consideration to amenity is noise and disturbance. There is a moderate level of background noise due to the use of rear decking at the majority of the properties in the area, the location of the appeal site next to the playing fields for the nearby school and the constant traffic along Queen Anne Avenue. Some degree of noise and disturbance is commonplace and generally acceptable in such a built-up urban area. Accordingly, the proposed development would not have an unacceptably harmful effect on the amenity of the occupiers of the neighbouring property.
15. I therefore conclude that the proposal would not have an unacceptable effect on the living conditions of the neighbouring occupiers and would respect the amenity of occupiers of neighbouring buildings in compliance with Policies 6 and 37 of the London Borough of Bromley Local Plan (2019). Additionally, the proposed development would deliver appropriate privacy and amenity in compliance with Policies D3 of the London Plan (2021) and paragraph 130 of the National Planning Policy Framework (2021).
16. The Council also alleges a conflict with policies D4, D5 of the London Plan (2021). However, my attention has not been drawn to any words in those policies that are relevant to this issue. Additionally, references to policies 7.4 and 7.6 relate to a previous version of the London plan which has since been superseded. Those policies have therefore not been determinative in my decision.

Other Matters

17. I have considered representations regarding the construction of sewage and ventilation pipes within the access way between the appeal site and no 84 Queen Anne Avenue. However, I did not observe any such infrastructure or any consequential detriment to the occupiers of neighbouring properties. Nonetheless, the planning practise guidance advises that planning is concerned with land use in the public interest and so private interests carry little weight. As such, this is not a matter which affects my findings on the main issues.

Conclusion

18. For the above reasons, the appeal is allowed subject to the condition that is necessary in the interests of certainty and to safeguard the privacy and amenity of the occupiers of adjoining properties.

S Lo

INSPECTOR