The Planning Inspectorate

Appeal Decision

Site visit made on 21 February 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MARCH 2023

Appeal Ref: APP/G5180/D/22/3310679
14 Leamington Avenue, Orpington BR6 9QB

- 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 Jack Fosten against the decision of the Council of the London Borough of Bromley.
- The application Ref 22/02855/FULL6, dated 18 July 2022, was refused by notice dated 8 September 2022.
- The development proposed is demolition of existing lean-to side extension, new rear and side extension and garden building.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing lean-to side extension, new rear and side extension and garden building at 14 Leamington Avenue, Orpington BR6 9QB in accordance with the terms of the application, Ref 22/02855/FULL6, dated 18 July 2022, 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: PR01; PR02; PR03; PR04; PR05; PR06; PR07; PR10; PR11; PR12 and PR13.

Preliminary Matter

2. The Council does not raise any objections to the proposed demolition of the existing lean-to side extension and new rear and side extension to the appeal property. I have no reason to disagree with this and, for the avoidance of doubt, my consideration relates only to the garden building.

Main Issue

3. The main issue is the effect of the proposed garden building on the living conditions of the occupiers of No 16 Leamington Avenue (No 16).

Reasons

4. The appeal property comprises a semi-detached house located within a residential area. The appeal dwelling and other properties along this part of Leamington Avenue have long gardens, some of which contain outbuildings. The site has solid board fencing around the rear garden boundary and a garden room/shed at the end of the garden.

5. The proposed garden building would be of a significant scale and the top part of it would be visible from the dwelling and garden of No 16. However, located at the end of the garden, at a considerable distance from the neighbouring dwelling, the proposed building would not be overbearing or visually dominant to the occupiers of No 16. Furthermore, due to the siting of the proposed building behind an existing solid board boundary fence, its height relative to the fence and the inclusion of an apex roof which slopes away from the boundary, the proposal would not have an unduly overbearing effect on users of the garden at No 16.

6. The single storey height of the proposal, together with the use of a pitched pre-weathered zinc roof and vertical timber clad walls, would ensure that the building design and materials would be appropriate in a garden setting. As such, the garden building would not have a harmful impact on the outlook of the occupiers of No 16.

7. Overall, I conclude that the proposal would not adversely affect the living conditions of the occupiers of No 16. It would comply with Policies 6 and 37 of the London Borough of Bromley Local Plan January 2016 which require development to respect the amenity of occupiers of neighbouring buildings and to be compatible with development in the surrounding area. It would also be in accordance with the National Planning Policy Framework which requires decisions to ensure safe and healthy living conditions.

Conditions

8. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.

Conclusion

9. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

A Wright

INSPECTOR