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# Appeal Decision

Site visit made on 14 February 2023

**by Robert Naylor BSc (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 March 2023**

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**Appeal Ref: APP/G5180/D/22/3306474**

**21 Standard Road, Downe, Bromley, Orpington BR6 7HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (as amended).
  - The appeal is made by Mr Martin Grant against the decision of the Council for London Borough of Bromley.
  - The application Ref DC/22/01867/HHPA, dated 6 May 2022, was refused by notice dated 15 June 2022.
  - The development proposed is a single storey rear extension, extending beyond the rear wall of the original house by 6.00m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.8m.
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## Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for a single storey rear extension, extending beyond the rear wall of the original house by 6.00m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.8m at 21 Standard Road, Downe, Bromley, Orpington BR6 7HJ in accordance with the application DC/22/01867/HHPA, dated 6 May 2022, and the details submitted with it including drawing numbers P.2666.010A, P.2666.020A, P.2666.030B, P.2666.040A, P.2666.050A, P.2666.060B and P.2666.070B, pursuant to Article 3(1) and Schedule 2, Part 1, Paragraph A.4(2).

## Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the Council's decision notice. There is no evidence that this change was formally agreed. The latter description more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon the latter description for the purposes of the heading above and paragraph 1 of my Decision.
3. The provisions of the GPDO as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) requires the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

4. As part of their appeal submissions, the appellant provided a Daylight and Sunlight Assessment<sup>1</sup>. This was not before the Council at the time of their submission. Therefore, I cannot be satisfied that the Council or third parties, have had sufficient and fair opportunity to comment on it. In order to avoid prejudice to these parties, I have assessed the scheme on the same information as the Council and upon which notification took place.

### **Main Issue**

5. The main issue is the impact of the proposed development on the living conditions of adjoining neighbours with regard to light and outlook.

### **Reasons**

6. The appeal comprises a two-storey semi-detached corner property located on the northern side of Standard Road in Orpington. The proposed single storey extension would project approximately 6.00m from the main rear wall and across the full width of the main house to a maximum height of approximately 2.8m with a flat roof with the eaves level at the same height.
7. The property most affected by the proposal is the adjoining house at No 19 Standard Road. The closest openings to the appeal site are the rear ground floor doors and windows which serve habitable rooms including a living room and a kitchen. These openings have direct views over the garden rather than towards the proposed extension.
8. Given the orientation of the properties, the course of the sun, and therefore the direction of shadowing, the impact on sunlight as a result of the extension on No 19 would be limited to the early morning only. Moreover, the large openings at ground floor level at this property allow a good degree of light to enter the habitable rooms. Even without more detailed British Research Establishment (BRE) tests, I am satisfied that the proposal would maintain a reasonable relationship with the adjacent properties and not lead to excessive loss of daylight and sunlight.
9. The appeal proposal would increase the extent of the built form closest to the party boundary. Nonetheless, the proposed flat roof design means that overall, the appeal proposal's height, scale and bulk would not be of a level which would give rise to significant additional overshadowing, nor an undue sense of enclosure relative to the rear openings at No 19 or its garden area. Neither would its overall presence significantly reduce the current aspect enjoyed by those occupants to an extent that would be overbearing.
10. Based on the individual circumstances of the scheme, the proposed development would not unacceptably harm the living conditions of the occupiers of the adjoining premise. As a result, the proposed development would comply with the provisions of Schedule 2, Part 1, Class A, paragraph A.4(7) of the GPDO and would not be contrary to the amenity protection aims of Policy 37 of the London Borough of Bromley Local Plan, adopted January 2019.

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<sup>1</sup> Daylight and Sunlight Assessment prepared by Herrington Consulting Limited dated 6th September 2022.

### **Other Matters**

11. Interested parties have raised concerns in respect to a reduction in property values as a result of the proposal. The National Planning Practice Guidance (NPPG) advises planning is concerned with land use in the public interest. The protection of purely private interests such as the impact of a development on the value of a neighbouring property cannot be material considerations.<sup>2</sup> As such, I have apportioned this no weight.

### **Conditions**

12. Conditions relating to similar materials, the commencement of the development and that it is in accordance with the plans are not necessary as these are all addressed by the provisions within Article 3(1) and paragraphs A.3 and A.4 of the GPDO. Conditions relating to upper floor windows and obscure glazing are not relevant as the proposal is only single storey and contains no windows in the flank elevation adjoining the neighbouring property at No 19.

### **Conclusion**

13. For the reasons given above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

*Robert Naylor*

INSPECTOR

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<sup>2</sup> Paragraph: 008 Reference ID: 21b-008-20140306