



Appeal Decision

Site visit made on 21 March 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/G5180/D/23/3315277

5 Blendon Path, Bromley BR1 3TG

- 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 J George against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/04329/FULL6, dated 2 November 2022, was refused by notice dated 23 December 2022.
 - The development proposed is a ground floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupiers of 4 Blendon Path in relation to overshadowing, outlook, sunlight and daylight.

Reasons

3. The proposed development would extend a significant length of the garden at 5 Blendon Path (No.5) and would align with the garages located to the rear of the neighbouring property, 4 Blendon Path (No.4). The provision of the existing garages does mean that the garden size for No.4 is significantly reduced and it is limited to the space between the garage and the rear of the dwelling. As a result of the depth which extends the full length of the garden of No.4, the proposal would result in an increased sense of enclosure for the occupiers. This would be further exacerbated by the provision of an existing rear extension at 3 Blendon Path and, as a result, the rear garden of No.4 would be partly enclosed on all sides.
4. I note that the proposal would not extend across the entire width of No.5 and instead would be set back from the boundary of No.4; however, the degree of separation would not sufficiently mitigate the sense of enclosure, due to the height being over 3 metres to the pitch. Existing boundary treatments would also not sufficiently screen or soften the impact of the proposal due to this overall height and proximity which in turn would result in the garden of No.4 being partly enclosed on all sides and create a tunnelling effect. In coming to this conclusion, I have taken into account that the garden at No.4 stretches the width of the plot.

5. The height to the eaves of the proposal is more modest; however, at a height of over 2 metres it would still be visible over the existing boundary treatment and therefore contribute to the tunnelling effect.
6. The tunnelling effect and general sense of enclosure, combined with the overall height of the proposal and proximity with the boundary would dominate the outlook from No.4's garden and ground floor windows and result in an overbearing feature.
7. Sunlight is already restricted to the garden of No.4 as a result of the existing extension to the South and garages to the East. The proposal, due to its orientation to the North, would mean that overshadowing and loss of sunlight would be very limited and not result in unacceptable harm to the occupiers of No.4. However, the proposal, due to its height, proximity, tunnelling impact and general sense of enclosure created, would significantly reduce the amount of natural light received by the rear garden and ground floor windows of No.4. The proposal would therefore result in an unacceptable loss of daylight.
8. Notwithstanding my findings on sunlight and overshadowing, I conclude that the proposal would harm the living conditions of the occupiers of 4 Blendon Path, with particular regard to outlook and daylight. The proposal would therefore be contrary to Policy 37 of the London Borough of Bromley Local Plan (2019) (LP) which seeks to ensure development respects the amenity of the occupiers of neighbouring buildings.
9. The Council also alleges a conflict with LP Policy 6 with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Other Matters

10. I note that no objections have been received from the neighbouring property at No.4. However this in itself does not mean the proposal would be acceptable and, as such, I give this limited weight.
11. I acknowledge that the proposal is to provide much needed family space and that the quality of life of the appellant and their family would be improved. It has been put to me that the development would also be adaptable and has been designed to meet the constraints of the site. In addition, the Council found no harm to the character and appearance of the area. However, these matters do not outweigh the harm I have identified.

Conclusion

12. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR