



Appeal Decision

Site visit made on 13 June 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 JULY 2023

Appeal Ref: APP/G5180/D/22/3310720

3 Repton Road, Orpington, Bromley BR6 9HR

- 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 Neil Atherton against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/02390/FULL6, dated 14 June 2022, was refused by notice dated 17 August 2022.
 - The development proposed is the erection of single story rear extension and addition of pitched roof to existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No.1 Repton Road.

Reasons

3. The proposed rear extension would be set in 0.1m from the shared boundary with No.1 Repton Road. Although the extension would project approximately 4.5m out from the rear gable of the host property, it would be some 5.9m in length where it was adjacent to the boundary with the neighbour at No.1.
4. Although the extension would have a flat roof with parapet wall to the side, it would nevertheless result in a blank wall extending a significant length immediately adjacent to the boundary with No.1. The neighbour's nearest openings to the shared boundary are ground floor windows and French doors, which appear to serve a habitable area. Given its proximity and length, the proposal would have a dominating and thus adverse effect in relation to the outlook from these openings.
5. The neighbour's rear windows and doors nearest the proposed extension would still receive some sunlight from the east in the earlier part of the day. I also acknowledge that the appeal property would cast a shadow once the sun has passed overhead. However, the extension would undoubtedly have an adverse effect in regard to light reaching the neighbour's windows and doors.
6. The outlook from the neighbour's rear windows/doors may have been reduced slightly by their own rear extension. However, that extension appears relatively modest in depth and so does not unduly compromise outlook or light being received in the same way the appeal proposal would do.

7. I am satisfied that, given both the other openings in the neighbour's extension and the distance the side facing windows are from the appeal site, this part of the neighbour's house would not be unduly harmed. However, this does not overcome the harm I have identified above.
8. Overall, I find that the proposal would harm the living conditions of the neighbouring occupiers. Accordingly, it is contrary to Policies 6 and 37 of the Bromley Local Plan 2019 which, amongst other things, seek to ensure that developments are of an appropriate scale and do not cause harm to neighbours through such effects as overshadowing and loss of sunlight.

Other Matters

9. It is suggested that the proposal is, at least in part, intended to help alleviate overlooking from the side windows of the rear extension to No.1. However, this in itself is not a reason to allow what I have found to be a harmful development. Although the neighbour may not wish to increase the height of their fence, it seems to me that there may be other options available to the appellant to address some of their concerns regarding their privacy.
10. The Council has indicated that the scheme as a whole would generally be subservient and would not harm the building's appearance. It has also indicated that the living conditions of other neighbours are not harmed by the proposal. Whilst I have no reason to come to different conclusions regarding these matters, they would be expected for any development to be considered acceptable and so do not weigh positively in favour of the scheme.
11. There are a number of other dwellings which are visible from the back garden of the appeal property, and which appear to have had rear extensions. However, I do not have the details of those schemes before me and therefore cannot be sure that they represent a direct parallel. Furthermore, each appeal proposal is considered on its own merits and based on the evidence available in each case. It does not automatically follow that the same circumstances would apply to other sites and other proposals.
12. I acknowledge that No.1, along with other neighbouring properties, has a relatively deep garden, much of which would not be affected by the extension. However, this would not mitigate the harm that would occur.

Conclusion

13. The proposal would harm the living conditions of the neighbour and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR