

Appeal Decision

Site visit made on 7 June 2023

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/G5180/D/23/3317773
15 Raymond Road, Beckenham, BR3 4AR

- 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 M Clarke against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/03843/FULL6, dated 30 September 2022, was refused by notice dated 12 December 2022.
 - The development proposed is erection of summer house.
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Preliminary matters

1. The outbuilding the subject of this appeal has been erected, and so planning permission is sought to retain the development already carried out.
2. The application submitted to the Council was a householder application, with the application form stating the outbuilding is a summer house. The Council determined the application on the basis of the summer house being incidental to the use of the dwellinghouse. The submissions from the appellant during the course of the appeal confirm the outbuilding is used for leisure purposes ancillary to the use of the dwelling. No references are made by the main parties to any other developments or uses.
3. I have therefore determined this appeal on the basis of seeking planning permission for the retention of the outbuilding, and that being is used as ancillary to the house, and my findings have no bearing on any other matters.

Decision

4. The appeal is allowed and planning permission is granted for the erection of a summer house at 15 Raymond Road, Beckenham, BR3 4AR in accordance with the terms of the application ref DC/22/03843/FULL6, dated 30 September 2022, subject to the following conditions:
 - 1) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 15 Raymond Road, Beckenham BR3 4AR.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 012_PL_01, 012_PL_02, 012_PL_03, 012_PL_04, 012_PL_05, 012_PL_06, 012_PL_07 & 012_PL_08.

Reasons

5. The main issue in this appeal is the effect of the outbuilding on the living conditions of adjoining occupiers, with particular reference to outlook and privacy.
6. The eaves height of the outbuilding is 2.05m and is set away from the rear boundary. I am conscious that this height is less than that which may be possible under permitted development¹, which I consider a reasonable fallback position for the appellant given that I understand there was a previous outbuilding on the site and I saw other outbuildings in the area. However, the overall height of the outbuilding exceeds what might be achieved under permitted development rights.
7. I saw at my site visit that the pitched roof design of the outbuilding and the setting away from the boundaries mean that the overall height of the building recedes from nearby houses and gardens. The outbuilding is also set away from the main outlook of adjoining houses, and there is a mature tree and outbuilding in adjoining gardens. These matters mean the visual presence of the outbuilding is reduced in the area and in the outlook from neighbouring properties to a degree that, whilst the outbuilding is noticeable, would not be unreasonably intrusive to residential amenity.
8. The outbuilding contains a mezzanine level, with a rooflight serving that area. I viewed this at my site visit and saw it looks out primarily to the sky. Any attempt to look out of the window in a more deliberate fashion is very awkward and does not lead to a loss of privacy: the view is over the roof of the adjoining outbuilding, and even with an open window and twisting with an unnatural position there are very marginal and difficult views towards other properties. I therefore consider this rooflight does not give rise to a material loss of privacy.
9. It is my conclusion on the main issue that the outbuilding is not unduly imposing upon the outlook of adjoining occupiers, or lead to a material loss of privacy. Thus, the appeal accords with Policy 37 of the Bromley Local Plan, which requires all development to respect the amenity of occupiers of neighbouring buildings.
10. The development has been carried out and so there is no need to address a condition requiring commencement or matching materials, as set out on the Council's Questionnaire. However, I have attached a condition specifying the approved plans to ensure retention of the outbuilding in that form.
11. I noted earlier the terms by which the application was made to the Council, and how I have determined the appeal, hence I consider it necessary to impose a condition to ensure the outbuilding is only used for purposes ancillary to the residential use of the main house, as other uses may lead to different planning considerations. The appellant and the Council have not raised any objection to a condition on this matter and so, subject to this restriction, the appeal is allowed.

C J Leigh

INSPECTOR

¹ Under Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015