



Appeal Decision

Site visit made on 25 July 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2023

Appeal Ref: APP/G5180/D/23/3315190

Lakeside, Gwydyr Road, Bromley BR2 0EX

- 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 Dr Michel Asaad against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/00709/FULL6, dated 17 February 2022, was refused by notice dated 3 November 2022.
 - The development proposed is a loft conversion to include rear dormer with Juliet balcony and two front roof lights.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the Council's decision notice as it more accurately reflects that for which permission is sought.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbours.

Reasons

4. The appeal site comprises a detached dwelling located at the end of a row of predominantly semi-detached dwellings. The proposal is to install a rear roof dormer, with rooflights to the front roof slope. The Council has not raised an objection to the rooflights, and I see no reason to come to a different conclusion in this respect.
5. The Officer Report (OR) refers to the side windows on the neighbouring property, referenced as 1 - 3 Gwydyr Road, and which face towards the appeal site. These are contained within a rear outrigger and overlook the rear garden of the appeal site. The OR considers that the dormer extension would be overbearing, creating a sense of overlooking and would be detrimental to the neighbours' outlook. The decision notice however refers simply to a loss of privacy and outlook.
6. The Council indicates that the eaves of the appeal building are set slightly below those of the neighbouring property. However, the main rear elevations of the buildings are broadly in alignment. Thus, the dormer would generally be sited higher than the neighbours' windows and positioned to the north west of them.

7. I note that the existing dwelling has no habitable room windows on its rear elevation at first floor level that provide views across to the neighbouring building. Therefore, even allowing for the resized and repositioned half-landing window, the proposed dormer and its new openings would represent an overall increase in the potential overlooking of the neighbouring property.
8. Being at a higher level and to the north would give a more angled view from the proposed dormer towards the neighbouring side windows. However, the position and size of the new openings would nevertheless allow for some views into the neighbouring building, particularly into the first floor accommodation. Not only would this result in a loss of privacy but it would create a sense of being overlooked. As a result, the level of privacy that the occupiers currently experience in these parts of their property would be diminished, to the detriment of their living conditions.
9. The loss of the rear roof slope and its replacement with a dormer would give the appeal property an increased built form and presence. Although it would be noticeable, given that it would be positioned at a higher level than the neighbours' windows and would not extend the building eastwards or increase the building's overall height, the built form is unlikely to be physically overbearing.
10. Occupants would retain their existing outlook across the appeal site. Whilst the dormer would be visible from the neighbours' side windows, any views across the roof of the appeal property would not be significantly altered. I am therefore satisfied that any change to the outlook from the neighbours' windows would not be unduly harmful to their living conditions.
11. Whilst I have not found the proposal to be overbearing or be likely to harm the outlook of existing neighbours, this would not diminish the loss of privacy or sense of overlooking that would occur. This harm to the living conditions of neighbours would be contrary to Policy 37 of the Bromley Local Plan which, amongst other things, seeks to ensure the privacy of occupiers of neighbouring buildings is not harmed.

Other Matters

12. I acknowledge that in a suburban location such as this, a degree of mutual overlooking can be expected. However, this is usually from upper floor windows looking across neighbouring gardens. In this respect the proposed dormer would provide views of the neighbouring gardens but perhaps in recognition of the nature of the area this aspect of the scheme has not been specifically objected to by the Council. However, this does not mean that all overlooking or loss of privacy arising from the proposal is acceptable.
13. Other examples of rear dormers in the area have been pointed out to me, as have their relationship with neighbour's side windows. However, I do not know the circumstances which led to those dormers being constructed and cannot be sure that those situations represent a direct parallel with the appeal proposal before me. Furthermore, as I am required to do, I have considered the appeal proposal on its individual merits.
14. The design of the dormer is said to comply with the relevant policy relating to residential extensions. However, the design of the dormer was not a contentious issue in the appeal and compliance with that policy would be

expected for the proposal to be considered acceptable. As such, it is not a factor in the scheme's favour.

15. I note that the dormer is said to comply with permitted development tolerances. However, permitted development rights have been removed from the building and so the General Permitted Development Order is not applicable in this instance. Furthermore, as noted above, there are development plan policies to which I must have regard that require the protection of neighbouring occupiers' living conditions.

Conclusion

16. The proposal would harm the living conditions of neighbouring occupiers 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