The Planning Inspectorate

Appeal Decision

Site visit made on 26 July 2023 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/G5180/D/23/3322956
89 Portland Road, Bromley BR1 5AY

- 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 Ms Louise Davies against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/22/00704/FULL6, dated 17 February 2023, was refused by notice dated 30 March 2023.
- The development proposed is for an outbuilding in rear of garden (retrospective).

Decision

1. The appeal is allowed and planning permission is granted for an outbuilding in rear of garden (retrospective) at 89 Portland Road, Bromley BR1 5AY in accordance with the terms of the application, Ref DC/22/00704/FULL6, dated 17 February 2023, subject to the following condition:

   1) The development hereby permitted is as shown on approved plans: W214.9/C/10.1, W214.9/C/00, and G-W214.9-C-02.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. At the time of my site visit, the development appeared to have been completed in accordance with the plans before me. I have therefore proceeded on the basis that retrospective planning permission is sought through the appeal. I have also taken the description of development from the appeal form since this more accurately and concisely describes the development to which the appeal relates. It does not change anything fundamental, and the same description appears on the decision notice.

Main Issue

4. The main issue is the effect of the development on the living conditions of neighbouring occupiers.

Reasons for the Recommendation

5. The appeal site is the rear garden of No 89 Portland Road and the building in question has been erected close to its foot, at the top of an incline and facing the host dwelling. By virtue of its situation and topography, the building is noticeably elevated. It also appears to have been built on a plinth, with a short

run of steps to access its front door. The defined rear garden slope is apparent in other rear gardens either side.

6. Outbuildings in other gardens, at the top of the slope, are not uncommon. Indeed, I could see at least two examples of a very similar ones of the same aspect, in the same relative location, in close proximity. There is therefore an element of mutual overlooking of gardens already. A situation which the appeal scheme does not make materially worse, even taking into account the appeal building being on a slightly raised platform. In addition, the building is located to the far end of the garden, some distance away from both the host dwelling and its neighbours and as such, whilst of a noticeably greater height and thus visible, would not impinge on what is otherwise a largely unincumbered outlook from both neighbouring dwellings and gardens.

7. Views from outside the building offer more of neighbouring gardens but a user would be traversing the steps to get to and away from the building rather than spending meaningful time on them. Any effect here therefore is transient. Views from within the building are, in the main, back towards the host dwelling and at a more oblique angle relative to neighbouring gardens and dwellings.

8. Taking this and the above into account, the development does not adversely affect the living conditions of neighbouring occupiers. The Council also refer to light and 'prospect' in terms of the living conditions effect of the development. I am unsure what is meant by prospect, the Council do not quantify it, but in terms of light, the building is contextually small and sited in an otherwise open and unincumbered area at the foot of a residential garden. Given the immediate context of the building I do not consider any loss of light to neighbours occurs. The Council's officer report also refers to a number of other living conditions effects which I have captured in my reasoning.

9. Accordingly, the development is in accordance with Policies 6 and 37 the Bromley Local Plan (2019), which aim to, amongst other things, ensure that developments respect the living conditions of neighbouring occupiers.

Conditions

10. One condition would be necessary to refer to the approved plans for enforcement purposes. The materials and finishes the building has been completed in are suitable for its residential setting and as such a condition specifying them would not be necessary. The Council's officer report does make reference to an occupancy/incidental use condition for the building, but they do not suggest the same on their questionnaire. Given the size of the building, the means of its construction and design, identifying and limiting its use in this way does not seem justified.

Conclusion and Recommendation

11. For the reasons given above, the development complies with the development plan and thus I recommend the appeal be allowed, subject to the condition specified.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representatives' report and on that basis the appeal is allowed subject the condition set out.

John Morrison

INSPECTOR