



Appeal Decision

Site visit made on 12 March 2024

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST March 2024

Appeal Ref: APP/G5180/D/24/3336251

13 The Woodlands, Orpington, Bromley BR6 6HL

- 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 Bashir Pagarkar against the decision of the London Borough of Bromley.
 - The application Ref DC/23/04210/FULL6, dated 3 November 2023, was refused by notice dated 22 December 2023.
 - The development proposed is described as demolition of single storey side extension. Construction of a single storey side extension with the creation of first floor to create two storey dwelling to include alterations to front porch with canopy, solar panels, roof lights to front, rear and left roof slopes and elevational alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect of the proposed development on the living conditions of existing neighbouring occupiers and the character and appearance of the host property and area.

Reasons

Living conditions

3. The proposal would incorporate a large amount of glazing in the elevation facing the rear gardens of properties in The Meadway. I saw that there is some mature vegetation within the rear gardens of properties. The existing vegetation within the neighbouring occupiers garden could reduce this harm. However, the retention of this vegetation is not within the control of the appellant and could be removed. Furthermore, the addition of first floor windows on the front elevation would also create an increase in overlooking toward the property to the front at No 15 The Woodlands.
4. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable level of privacy as part of their residential lives. Given the proximity and positioning of the proposed development to existing neighbouring properties, overlooking of neighbouring properties would occur and this would give rise to an unacceptable loss of privacy. As such, this would diminish the enjoyment of these dwellings the existing occupiers should reasonably expect to enjoy.

5. It has been put forward that privacy glass equivalent to Pilkington Level 3 would be utilised within the proposed south flank elevation. Furthermore, those windows facing the eastern boundary would have privacy glass. It is suggested that this would mitigate any concern regarding overlooking and privacy for existing occupiers at The Meadway and No 15 The Woodlands. Whilst this may be so, the result of this would be to create rooms within the appeal property with poor outlook. This would diminish the enjoyment of the residential living environment for the occupiers and, as such, would not be an appropriate design solution for this reason.
6. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing neighbouring occupiers. The proposal would, therefore conflict with Policies 6 and 37 of the Bromley Local Plan (2019). These policies seek, amongst other matters, development that requires, amongst other matters, development to respect the amenity of occupiers of neighbouring buildings.

Character and appearance

7. The area is comprised of primarily two storey properties, all of differing designs and forms with many having been altered or extended. A recent two storey dwelling has been erected adjacent the appeal site.
8. The proposal would be a significant enlargement of the host dwelling and change the appearance of the existing property to a two storey dwelling. Nonetheless, a two storey dwelling would be compatible with the existing development in the surrounding area. The development would not appear out of character in the context of those dwellings of varying sizes and forms in the locality. Consequently, whilst being a significant extension of the host dwelling, overall the proposed development would not be visually harmful to the character and appearance of the area in general.
9. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the host property and the area. The proposal would, therefore comply with Policies 6 and 37 of the Bromley Local Plan. These policies seek, amongst other matters, new development, including residential extensions, to be of a high quality design and be compatible with surrounding development.

Conclusion

10. Whilst I have found in favour of the appellant in terms of the second main issue, this does not overcome the identified harm in relation to the first main issue.
11. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR