



Appeal Decision

Site visit made on 13 February 2024 by N Manley BA (Hons)

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 MAY 2024

Appeal Ref: APP/G5180/D/23/3331710

27 Warren Drive, Orpington BR6 6EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Giles Boorman against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 23/00482/FULL.
 - The development proposed is described as a "Proposed rear timber decking. Existing upper deck to be reduced in depth, new timber deck to be provided at lower level over the existing concrete base. Existing timber screen to be extended to provide privacy to and from No. 29. New timber stair to be provided to access lower deck and garden."
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Decision

1. The appeal is allowed and planning permission is granted for the proposed rear timber decking. Existing upper deck to be reduced in depth, new timber deck to be provided at lower level over the existing concrete base. Existing timber screen to be extended to provide privacy to and from No. 29. New timber stair to be provided to access lower deck and garden at 27 Warren Drive, Orpington BR6 6EX in accordance with the terms of the application, Ref 23/00482/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 20220044 P022 and 20220044 P023, Rev.00.

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. The Government published a revision of the National Planning Policy Framework (the Framework) in December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

4. The description of the development in the banner heading is taken from the application form which accurately reflects the proposed development. The proposal involves modifying the existing decking, with the upper deck maintaining the width of the property but smaller in depth. This reduction will be accompanied by the addition of new timber steps, leading down to a fresh lower deck area at the garden level. Additionally, another set of steps will be constructed from the modified upper deck to facilitate access to the side pathway.
5. It is not the purpose of this appeal to determine the lawfulness of the existing structure. However, based on the evidence before me, a decking structure has been in place for several years and I give this weight in the appeal. As the scheme involves, modifying the existing structure the appeal is, in part, retrospective.

Main Issues

6. The main issues are the effect of the proposal on:
 - The character and appearance of the host property and the surrounding area; and
 - The living conditions of the occupiers of 25 Warren Drive (no 25), with particular regard to outlook and privacy.

Reasons for the Recommendation

Character and Appearance

7. 27 Warren Drive (no 27) is a semi-detached residence and is situated within a suburban residential cul-de-sac. While certain properties on Warren Drive have undergone extensions, they adhere to a generally consistent design and are positioned away from the road, providing space for off-street parking. Due to the topography of the region, the subject site and its neighbouring properties are situated on terrain that causes the gardens to slope downward from Warren Drive. As a result, the rear gardens are situated at different elevations in relation to the properties, with a number of neighbouring properties appearing to have raised patios / decking areas and various forms of rear extensions in their rear gardens. Additionally, the host property and neighbouring property had garden buildings and / or sheds which were constructed from timber.
8. The current decking is a substantial structure, constituting a single-level platform that aligns with the ground floor, providing access at the same level as the rear doors of the property. Extending across the entire width of the dwelling, it projects significantly into the rear garden.
9. The proposal would result in a decking which, in terms of its scale, mass and bulk, would have a significant reduction when compared to the existing decking. Whilst the council argue the height of the upper deck would be excessive, I find due to the sloping gradient of the property, the proposed upper deck size is a reasonable provision in order to allow a reasonable level of access from the rear doors of the property. Certainly, the proposed depth of the new decking from the rearmost wall would, in its own right and in relation to the various other rear extensions nearby, not appear a disproportionate addition. Furthermore, the timber materials proposed are a common material

for garden use and when viewed within the context of the surrounding timber fence and garden outbuildings, would complement the host property.

10. For the above reasons, I conclude the proposed development, and its form, scale, siting and proposed materials would not cause harm to the host property and the surrounding area. Consequently, it would comply with Policies 6 and 37 of the Bromley Local Plan (adopted January 2019) which, amongst other things, requires development to respect or compliment the host dwelling and surrounding areas.

Living Conditions – outlook and privacy

11. The adjacent dwelling, no 25, is to the south of the appeal site and is a similar semi-detached property with a garden sharing a similar topography and slope to that of no 27. Whilst the submitted written evidence suggests there is a conservatory to the rear of no 25, on my site visit this appears to be have been dismantled with the property now undergoing building work to the rear.
12. Due to a combination of the sloping topography of the appeal site, and the fact no 25 and no 27 are adjoined semi-detached properties, there is always going to be some overlooking between the two gardens. The upper decking would create a modest seating area, allowing the occupiers of no 27 to enjoy their amenity. Whilst it would result in an elevated seating position, it would be considerably smaller than the existing decking. Moreover, the privacy screen would preclude immediate views to the side toward No 27, moderating the extent of overlooking.
13. The proposed privacy screen for this upper deck would have a depth matching that of the proposed upper deck itself. It would not appear at odds with the scale and massing of the various extensions to the rear of nearby properties. In this regard, its overall scale and massing would not appear unduly dominant from No 27. Moreover, the lower existing timber fence, which separates the gardens of no 27 and no 25, would have its height maintained and would serve as the privacy screen for the lower deck. I also find no reason to conclude it would lead to increased noise and disturbance for the occupants of no 25 beyond what could reasonably be expected from the typical use of their garden by the residents.
14. Given the above, I therefore find the proposed development would not harm the living conditions of the occupiers of no 25 with regard to outlook and privacy. The proposed development would therefore accord with Policy 37 of the Bromley Local Plan (adopted January 2019) which looks for development to respect the amenity of the occupiers of neighbouring buildings, ensuring they are not harmed by noise, disturbance or loss of privacy.

Conditions

15. In addition to the standard implementation condition, it is necessary in the interests of precision, to define the plans with which the scheme should accord to those submitted with the application. The Council did suggest another condition requiring the decking to be painted in a colour that better harmonises with the host property and the surrounding area. However, considering the applicant is merely seeking a timber finish, it is not considered this condition is necessary to make the development acceptable. Therefore, it has not been included.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Mr R Walker

INSPECTOR