



Appeal Decision

Site visit made on 19 June 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/G5180/W/23/3333299

123 Kings Road, Biggin Hill, Bromley TN16 3NH

- 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 David Anderson against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/22/02547/FULL1.
 - The development proposed is a rear ground floor extension to provide additional space for existing veterinary surgery.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A planning application¹ for a similar rear extension was refused in November 2020. An appeal² against that decision was dismissed as the Inspector concluded that the proposal would cause unacceptable harm to the living conditions of neighbouring occupants. The proposal subject to this appeal is an amended scheme as it includes the excavation of land to the rear of the property. Therefore, the proposed extension would appear shorter in height than the previously dismissed proposal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupants of 121 and 125 Kings Road (Nos 121 and 125), with particular regard to outlook.

Reasons

4. The garden of the appeal property slopes uphill from the rear elevation toward the rear boundary. It is broadly level with the neighbouring plot of land at No 125 but is uphill from No 121. Properties along this section of the road are set back in their plots. The appeal property and No 121 are set back slightly further than most other properties on this side of the road and are broadly in line with one another. However, No 125 is set much further back from the road than its neighbours. The front elevation of No 125 is further away from the road than the rear elevation of the appeal property.
5. The proposed single-storey, flat-roofed extension would project a significant distance into the garden and would be cut into the slope. The proposed

¹ Planning application Ref. DC/20/00575/FULL1

² Planning appeal Ref. APP/G5180/W/21/3268674

extension would span the width of the original property and would be sited close to the boundary with No 125 and set away from the boundary with No 121. The proposed extension would be tall and there would be blank elevations facing both neighbouring properties.

6. There is vegetation along the boundary between the appeal property and No 125. During my site visit, in the early summer, I observed that lower sections of the vegetation were thinner than the upper sections. As such, there was views between the appeal site and No 125. In the winter some of the vegetation may lose its leaves. Therefore, there would be clearer views between the properties. I note that the condition of the vegetation appears to have changed since the previous appeal, where the Inspector described the boundary vegetation as dense.
7. There is a ground floor bedroom within No 125 near to the boundary with the appeal property. The proposed extension would project very close to the only window of this room. The view out of the window would be toward the proposed extension. Given the limited separation, alongside the tall, blank elevation, the proposed extension would appear overbearing for occupants of No 125 when using this room.
8. Due to the tall fence along the boundary between No 121 and the appeal property, the proposed extension would be largely screened in views from the rear garden of No 121. Although a small section of the extension may be visible above the fence, it would be set back from the boundary. I acknowledge that all of the proposed extension would be seen from first-floor, rear windows of No 121. However, these views would be over and across the roof of the extension. For these reasons, the proposed extension would not be overbearing on occupants of No 121, regardless of how far it projects into the rear garden.
9. The proposed extension could be better insulated which may negate the need to open windows and generally reduce the amount of noise experienced within neighbouring properties. This would improve the living conditions of neighbouring occupants as they would experience less noise.
10. Overall, the proposal would have a harmful effect on the living conditions of occupants of No 125, with particular regard to outlook, but not the living condition of occupants of No 121. The proposal would therefore conflict with Policy 37 of the Local Development Framework, Local Plan, London Borough of Bromley Planning Division, January 2019. The Policy indicates that developments will be expected to respect the amenity of occupiers of neighbouring buildings.

Other Matters

11. The appeal property is a veterinary practice, and the use of the building is not proposed to be changed. Therefore, the permitted development rights afforded to dwellinghouses are not relevant in my assessment of the proposal.
12. I note that the veterinary practice is held in high regard by its customers, including those who live in the local community. There are several representations from interested parties which explain that the practice is a valuable part of the community and would benefit from increased space. This indicates that the practice is providing a service that reflects the current needs of the community, in accordance with the social objective of sustainable

development outlined in the National Planning Policy Framework (the Framework). Moreover, I note the Framework's support for economic growth. Nonetheless, the provisions of the Framework need to be considered as a whole and balanced against one another. The benefits of the proposal would not outweigh the harm to the living conditions of the neighbouring occupants.

Conclusion

13. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR