



Appeal Decision

Site visit made on 9 July 2024 by M Long BA (Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/G5180/D/24/3344030

29 Bedford Road, Orpington, Bromley BR6 0QJ

- 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 Chris Merrett against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/00799/FULL6.
 - The development proposed is a rear extension to ground floor; hip to gable loft conversion with flat roofed dormer to rear; dormer window with pitched roof over to front elevation along with velux roof light; and hipped roof to existing bay replacing existing flat roof.
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Decision

1. The appeal is dismissed.

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 Matter

3. The reason for refusal on the decision notice specifically identifies that the Council's concerns relate to the proposed rear dormer. Furthermore, the Council's officer report states '...it is considered that a significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise'. However, while the reason for refusal includes reference to 'amenity', it does not specifically mention privacy. In the interests of clarity and for the avoidance of doubt, I have had regard to all of these factors in defining the main issue.

Main Issue

4. The main issue is the effect of the proposed rear dormer on the living conditions of occupiers of 31 Bedford Road with particular regard to outlook, light and privacy.

Reasons for the Recommendation

5. The appeal dwelling forms a semi-detached pair with 31 Bedford Road (No 31). No 31 has a first-floor rear dormer which includes a window that is positioned a short distance from the shared boundary with the appeal site.
6. Due to its position only marginally set in from the boundary, its substantial projection beyond the rear elevation of the dormer at No 31 and its bulky,

substantively flat roofed form, the dormer would appear overbearing when experienced from the nearest first-floor window at No 31. This would be significantly detrimental to the quality of outlook from this neighbouring window and would not provide for a high standard of amenity for occupiers of this neighbouring dwelling.

7. Given that the rear dormer would be sited to the north of No 31 and noting the 'Sun Tracker' diagram provided by the appellant, I consider it unlikely that the rear dormer would materially affect levels of sunlight received by this neighbouring property. Furthermore, there is no detailed evidence to suggest that there would be a notable change to the levels of daylight received by No 31 as a result of the development. The dormer window would also look towards the more peripheral areas of rear gardens as is commonly seen within residential areas. Even though I have not identified any harm with respect to privacy and light, this does not overcome the harmful effect on outlook for occupiers of No 31.
8. My attention has been directed to examples of dormer extensions in the wider area that are close to a shared boundary and which project past a neighbouring window. However, the full details of these schemes are not before me and so I cannot be certain of the precise context in which they may have been considered. I have therefore considered the appeal proposal on its own merits and the site-specific relationship with No 31.
9. I conclude, the proposed rear dormer would have a harmful effect on the living conditions of occupiers of No 31 with particular regard to outlook. This would be contrary to Policy 37 (General Design of Development) of the London Borough of Bromley Local Plan (2019) which expects development to respect the amenity of occupiers of neighbouring buildings. For the same reasons, the proposal would also conflict with Paragraph 135 of the National Planning Policy Framework which confirms that developments should create places with a high standard of amenity for existing and future users.

Other Matters

10. While the Council has mentioned conflict with Policy 6 (Residential Extensions) of the LP, this primarily focuses on character and appearance and its relevance to this appeal has not been clearly demonstrated. Indeed, the Council's report identifies that the proposal would have an appropriate character and appearance and, to some extent, would rebalance the semi-detached pair. Even if this is the case, this does not override the harm identified under the main issue and the conflict with Policy 37 of the LP.
11. I have no reason to doubt that the proposal would increase the enjoyment of the property for the appellant and their family. Nevertheless, this is a private benefit to a single household and does not justify the harm that would result to neighbouring living conditions.

Conclusion and Recommendation

12. The proposed development would be contrary to the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR