



Appeal Decision

Site visit made on 27 June 2024 by J Reed MPlan

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/G5180/D/24/3337506

26 Great Thrift, Petts Wood, ORPINGTON, BR5 1NG

- 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 Stuart Buckley against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/22/03552/FULL6.
 - The development proposed is the installation of a replacement patio to the rear of the property.
-

Decision

1. The appeal is allowed, and planning permission is granted for the installation of a replacement patio to the rear of the property at 26 Great Thrift, Orpington, BR5 1NG in accordance with the terms of the application, Ref DC/22/03552/FULL6, and the plans submitted with it, 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 drawing nos:
26GT-PA-R-01 Rev B
26GT-PA-OS-02 Rev A
26GT-PA-R-04
26GT-PA-R-02 Rev A
26GT-PA-R-03

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.

Main Issue

3. The main issue is the effect of overlooking on the living conditions of neighbouring dwellings.

Reasons for the Recommendation

4. The appeal site is a detached two storey dwelling located on a residential street of similar detached dwellings. To the rear is a large expansive garden, and

directly serving the dwelling is a raised patio area which is the full width of the plot. It was observed on the site visit that the patio was populated with various furniture and was in use. Boundary fencing and screening in the form of vegetation separates the appeal site with both its adjacent neighbours with a trellis erected in addition to this on the boundary with No.24.

5. The rear gardens on Great Thrift vary in level according to the topography, with the garden of the appeal site sitting marginally higher than No.28, but of a similar height to No.24.
6. No.24 possesses an area of hardstanding which projects just less than the patio on the appeal site. As a result of the boundary fencing and planting in place glancing views can be gained from the patio into the garden of No.24 with user's views funnelled down the long expansive garden. At the end of the proposed patio there is a section of fencing that is lower, the appellant states this is intentional to allow for neighbourly conversation between garden users.
7. No.28 is set further forward within its plot than the appeal dwelling and has a conservatory to the rear adjacent to the appeal site boundary with seating situated to the opposing side. Third parties have stated that the boundary fence does not safeguard the privacy in the garden or conservatory of No.28, although I observed on my site visit that privacy screening is in place which is shown on the plans submitted.
8. I recognise that the provision of additional planting in pots along the boundary cannot be secured in perpetuity and therefore relied upon as permanent mitigation. However, it is likely that the central part of the patio area will be the principal area of use, and I am satisfied that the distance from the boundary along with the privacy fencing will mitigate any unacceptable loss of privacy in this regard.
9. I accept that there may be a partial loss of privacy for neighbouring users of the conservatory of No.28 from the change in levels of the patio, when access is sought along the side pathway of the appeal property, and that this represents a change for the neighbouring property. However, there already exists the potential for a degree of mutual overlooking of the rear elevations and gardens between neighbouring properties. The extent and elevation of glazing on the existing single storey rear extension at the appeal site permits some overlooking of neighbouring properties, including towards the conservatory of No.28 Great Thrift. For this reason, I am not persuaded that, although the patio does undoubtedly create opportunities for an additional impact on privacy in contrast with the previous situation, that any additional impact would be so significant as to be unacceptable in the existing context.
10. The proposal therefore does not result in an unacceptable effect on the living conditions of adjoining occupiers having regard to privacy. There is not therefore conflict with Policies 6 and 37 of the Bromley Local Plan (2019), which require all new development to safeguard the amenity of occupiers of neighbouring buildings.

Other Matters

11. I have had regard to concerns raised by third parties about the impact the proposal would have on the conservation area and its design. However, although I am mindful that the reason for refusal addressed the impact on

living conditions alone, I am nevertheless satisfied that the domestic scale and detailed design of the development does not result in an adverse effect on the overall character or appearance of the conservation area.

12. Concerns were also raised regarding a loss of light as a result of the proposed screening. However, I am satisfied that any impact on light would not be so significant as to be unacceptable as a result of the introduction of screening.

Conclusion and Recommendation

13. For the reasons given the appeal is allowed, subject to conditions.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to conditions.

Martin Seaton

INSPECTOR