



Appeal Decision

Site visit made on 27 June 2024 by S Indermaur MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 SEPTEMBER 2024

Appeal Ref: APP/G5180/D/24/3342666

13 The Woodlands, Orpington, Bromley BR6 6HL

- 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 Bashir Pagarkar against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/00442/FULL6.
 - The development proposed is a first floor extension of existing bungalow, including new porch canopy and partial ground floor extension.
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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.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of neighbouring occupiers, and those of future occupants by way of privacy and outlook.

Reasons for the Recommendation

4. The appeal property is a detached bungalow, which currently has no windows in the roof space. The property is set back from the road on a backland site to the rear of No.15 The Woodlands (No. 15), another bungalow, with the front elevation of the appeal property facing towards the rear of No.15. Established mature vegetation occupies the boundary between the two dwellings. The host dwelling also shares boundaries with the rear of properties on Meadway Road, and a new dwelling at Station Cottages.
5. The Council made reference to extracts from a previous appeal decision on the site for a single storey side extension with the creation of first floor to create a two-storey dwelling (APP/G5180/D/24/3336251). This appeal was dismissed on 21st March 2024, and this decision is a material consideration in this case.
6. The appeal scheme would appear to have been submitted as an evolution of the design approach for development as an alternate to the previously refused planning application, which I note was refused planning permission shortly after the dismissal of the previous appeal. In accordance with the conclusions of the previous appeal decision, the Council accepts that the bulk and massing

of the current scheme does not conflict with the character and appearance of the wider area, and I see no reason to disagree with this conclusion. Concerns over the impact on living conditions for neighbouring occupiers and occupiers of the appeal dwelling remain.

7. I note that the large aspect of glazing at first floor level on the front elevation, and the upper parts of the large expanses at ground floor on the rear and left side elevations as identified on the proposed drawings, are to be obscured. Therefore, even if the existing planting was to be removed on the boundaries to neighbouring occupiers at No. 15 or properties on The Meadway, I am satisfied that there would not be an unacceptable adverse impact on privacy to these neighbouring occupiers because of the obscure glazing. Furthermore, the distances to habitable windows in these neighbouring properties would be significant. I am also satisfied that given the distance to the boundary with the new dwelling at Station Cottages, and the existing extent of glazing on the rear elevation, any impact on privacy in this direction would be acceptable.
8. Despite the above, the continued use of obscure glazing within the front elevation facing towards No. 15 in particular, would result in accommodation within the appeal property with either a significantly reduced or an unacceptable level of outlook. This would result in an overall poor standard of accommodation for occupiers of the extended appeal property and inferior living conditions caused by the lack of outlook.
9. I have had regard to the general reference made to other developments with extensive areas of glazing which have been permitted within the vicinity, although I have not been provided with full details of the circumstances and context in each instance. Nevertheless, I am mindful that each case must be considered on its own merits, and there is no evidence that the same inter-relationships between properties and design solutions have been accepted elsewhere or with the same effect on living conditions. I have not therefore given any significant weight to this contention in my decision-making.
10. I have not found the relationship with neighbouring occupiers to be harmful with regards privacy. However, the proposal would harm the living conditions of future occupiers of No.13 The Woodlands, for the reasons set out. The proposal would be contrary to Policy 37 of the Bromley Local Plan 2019 which states that development is expected to respect the amenity of future occupants, providing healthy environments.

Other Matters

11. I have noted concerns over the handling of the application in terms of inconsistencies in the report, and also the observation of there being a lack of objections to the appeal proposal. However, these are not matters which have been fundamental to the understanding and assessment of the planning merits of the case.

Conclusion and Recommendation

12. The proposal would not cause harm to the living conditions of neighbouring occupiers, however this would not mitigate the harm that would be caused to existing and future occupiers of the appeal property.
13. The proposal would conflict with the development plan taken as a whole and there are no material considerations that justify granting permission.

Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Indermaur

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 dismissed.

Martin Seaton

INSPECTOR