



Appeal Decision

Site visit made on 04 December 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/G5180/D/24/3351722

35 Shortlands Gardens, Bromley BR2 0EA

- 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 Paul Kerridge against the decision of the London Borough of Bromley.
 - The application Ref is DC/24/02564/FULL6.
 - The development proposed is ground floor rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issue

3. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the occupiers of the adjoining property No.33 Shortlands Gardens.

Reasons

4. The proposed extension would be constructed along the common boundary with No.33 Shortlands Gardens. There is a narrow passageway adjacent the appeal site within No.33 with outlook from habitable living space from this neighbouring property along the passageway. Although the eaves height of the extension would be similar in height to that of the existing fence, the roof pitches upward creating a more substantial development along the common boundary to that of the fence.
5. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The proposed extension would be of some considerable length and height. Given the proposal's substantial size in such close proximity to No.33 the extension would be extremely dominant in the outlook from No.33.
6. There is concern with regard to loss of light. The proposed extension would be approximately the same height as the existing boundary fence with the roof pitching away from No.33. The proposal would not substantially reduce natural

light to a degree that would create a gloomier living environment for the adjoining occupiers.

7. Notwithstanding the matter of light, the overbearing and enclosing nature of the extension in such close proximity to the adjoining property would however diminish the enjoyment of the residential living environment for the neighbouring occupiers and would harm the enjoyment the existing occupiers should reasonably expect to enjoy.
8. It is contended that this is a similar property and proposal to that which was allowed on appeal ref APP/G5180/D/20/3260117 at 17 Recreation Road. I have not been provided the full details of that case that might enable me assess the similarity of that development to that of the one before me. Even if similarity can be drawn, I have found the proposed development to be harmful in this case. Other similar development would not justify the proposed development or overcome my above concerns.
9. I have also been directed to an extension at No.25 Shortlands Gardens. However, from the information provided that development retained a gap between developments which is not the case here. That proposal is therefore different to that of the proposal before me that can and should be considered on its own merits.
10. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of the adjoining property No.33 Shortlands Gardens. The proposal would, therefore conflict with Policy D3 of the London Plan 2021, Policy 37 of the Bromley Local Plan 2019 and Policy DG5 of the Urban Design Guide Supplementary Planning Document (SPD) 2023. These policies and SPD seek, amongst other matters, development to protect existing residential occupiers from inappropriate development.

Conclusion

11. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR