



Appeal Decision

Site visit made on 1 October 2024 by N Manley BA (Hons) MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 DECEMBER 2024

Appeal Ref: APP/G5180/D/24/3342066

27 Grasmere Gardens, Orpington BR6 8HE

- 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 Ian Strachan against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/04510/FULL6.
 - The development proposed is described as a “proposed ground floor porch extension to South façade - ground floor utility room extension to side of house - ground floor conservatory extension - First floor bedroom extension on existing ground floor lounge to North façade.”
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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. A new version of the National Planning Policy Framework was published in December 2024. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 28 Grasmere Gardens (no 28), with particular regard to outlook and light.

Reasons for the Recommendation

5. 27 Grasmere Gardens (no 27) is a semi-detached, two-storey house located on the northern side of a suburban residential cul-de-sac. While the adjacent property to the west is a detached bungalow, the properties along this side of the road to the east, from no 28 to no 38 Grasmere Gardens, are all semi-

detached and share similar original designs to the appeal property, although some have been extended or altered.

6. No 27, like many of its immediate neighbours, features a long, north-facing garden and includes a single-storey, flat-roofed rear extension that spans the full width of the property. The adjoining dwelling, no 28, lies to the east of the site and is almost identical in design, featuring a centrally positioned first floor window on the rear elevation, as well as a rear conservatory.
7. The proposed first floor extension, due to its height and depth, would create a prominent structure in terms of scale and mass, projecting into the rear garden and would be close to the shared boundary with no 28. Due to this positioning, the proposed extension would extend beyond a 45-degree line taken from the first floor rear window of no 28. As a result, the outlook from this neighbouring window, which serves a habitable room, would be considerably restricted, creating an undue sense of enclosure which would be detrimental to the living conditions of the occupiers of no 28.
8. Due to its orientation, the rear elevation of no 28 is likely to receive limited light. Consequently, from my observations on site, I find that due to the overall scale, height and positioning of the proposed first-floor rear extension in close proximity to the boundary shared with no 28, some of this already limited light would be significantly reduced, resulting in a detrimental loss of daylight for the occupants of this neighbouring property. In the absence of any substantive evidence to the contrary, I therefore find that the proposal would harm the living conditions of the occupants of no 28.
9. In support of the appeal, the appellant has noted that several houses between nos 28 and 38 have been extended in a similar way to the proposal, suggesting this sets a precedent. However, while some of these extensions are visible from the appeal site, I do not have full details of the circumstances under which they were approved and therefore cannot be certain they are directly comparable to the current proposal, particularly regarding the impact on neighbouring living conditions and the development plan policies in place at the time of their approval.
10. In any case, from the limited evidence provided by the appellant regarding other extensions between nos 28 and 38, where both adjoining properties of a semi-detached pair have been extended, they appear to have done so in a similar manner, which largely mitigates any potential harm to the living conditions of the adjacent property. Furthermore, where only one property in a semi-detached pair has been extended, it is typically the eastern dwelling, meaning the western property would not experience the same degree of harm from a loss of light.
11. I understand that the occupier of no 27 purchased the appeal property with the intention of it becoming a 'lifetime' home, in an area they have known and liked for years, providing a place to start a family in a property within the catchment area of good schools, and without this extension they feel like they might have to move away from the area. However, whilst I have sympathy with their position, I do not consider that these personal circumstances outweigh the harm that I have identified to the living conditions of the occupiers of no 28.

12. It has also been suggested that the extension would allow no 27 to contribute to the need for "sustainable affordable housing" in the area. However, the appeal property is already in residential use and this would not change as a result of the proposed development. I have therefore given this argument minimal weight.
13. Given the above, the proposed development would cause unacceptable harm to the living conditions of the occupiers of no 28, with particular regard to outlook and light. Consequently, it would conflict with Policy 37 of the Bromley Local Plan (adopted 2019). This policy, amongst other things, requires development to respect the amenity of occupiers of neighbouring buildings and those of future occupants, ensuring they are not harmed by inadequate daylight.

Other Matters

14. Concerns were raised about the impact that the development would have on neighbouring property values. However, it is a well-established principle that the planning system does not exist to protect private interests such as the value of land or property. Additionally, there have been concerns raised about potential damage to neighbouring properties resulting from the development. However, this would have to be addressed outside the appeal process.
15. The Council's officer's report raised concerns regarding the design of the proposal and its potential impact on the character and appearance of the area, as well as whether the use of obscured glazing in a bedroom within the extension would be suitable for the living conditions of both current and future occupants of no 27. However, these concerns were not included in the decision notice and, as I am recommending the appeal to be dismissed on other grounds, I have not considered these matters further.

Conclusion and Recommendation

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

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Edwards

INSPECTOR