



Appeal Decision

Site visit made on 25 February 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2025

Appeal Ref: APP/G5180/D/24/3353852

14 Hilda Vale Road, Orpington, Bromley, BR6 7AN

- 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 Catherine Reynolds (nee Dudley), against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/02539/FULL6.
 - The development proposed is first floor rear extension, part conversion of garage to habitable accommodation with replacement roof to garage, replacement of main roof incorporating change to crown pitched roof with an increase in ridge height also to extend over existing rear two storey flat roofs and rooflights to rear and to flat roof, demolition of the rear ground floor wall and replacement cavity wall with pitched roof to single storey rear projection and elevational and internal alterations
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Decision

1. The appeal is allowed, and planning permission is granted for first floor rear extension, part conversion of garage to habitable accommodation with replacement roof to garage, replacement of main roof incorporating change to crown pitched roof with an increase in ridge height also to extend over existing rear two storey flat roofs and rooflights to rear and to flat roof, demolition of the rear ground floor wall and replacement cavity wall with pitched roof to single storey rear projection and elevational and internal alterations, at 14 Hilda Vale Road, Orpington, Bromley, BR6 7AN in accordance with the terms of the application, Ref DC/24/02539/FULL6, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the approved plans, specifically: Location Plan, Proposed Site Plan (BL/DRG/06122023/ 02), Proposed Layout & Elevations (BL/DRG/06122023/ 04).
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The appellant's surname has changed since the submission of the planning application, and is noted in the Grounds of Appeal Statement. This has been reflected in the above banner heading.

3. The description of the proposal in the application form differs from that in the Council's decision notice. I have taken the description from the decision notice as this more accurately describes the elements of the proposal that constitute development. I have noted that this description is repeated in the appeal form and as such I am satisfied that the cases of the main parties would not be prejudiced.
4. It was not possible to view the appeal site from the neighbouring property, no 16 Hilda Vale Road at my site visit. However, I am satisfied that I had seen everything I needed to and have proceeded on that basis.

Main Issue

5. The main issue is the effect of the development on the living conditions of the occupants of 16 Hilda Vale Road with regard to outlook.

Reasons

6. The appeal site, 14 Hilda Vale Road (no. 14), is a large two storey dwelling in a suburban residential area. Within the street there is a wide variety of house styles ranging from terrace rows, semi-detached and detached houses. The neighbouring dwelling, 16 Hilda Vale Road (no. 16), is orientated in the same direction as no. 14, and their frontages are roughly in alignment.
7. A two storey flat roofed extension at the rear of the appeal site is positioned directly on the boundary, and protrudes beyond the rear elevation, of no. 16. The top of the flat roof sits above the eaves of the host dwelling, and above this is a tall chimney stack.
8. No. 16 is on a slightly lower ground level to the appeal site, with a small garden. It has a rear, single storey extension with patio doors and windows facing towards the appeal site, and a small outdoor area in the intervening space. This is the main aspect towards the appeal site. Due to the close quarters' relationship, the outlook is dominated by the flank wall of the existing two storey extension, and a tall fence panel. In the oblique view, there is outlook towards the sky above the neighbouring garden space. Other windows near the appeal site boundary in the rear elevation of no. 16 are a patio door at ground floor, first floor windows, and a dormer window. Their main outlook is towards the garden of no. 16 and no. 2 Winton Road, and as such there is an acute angled view towards the flank wall.
9. The proposed crown pitched roof in place of the flat roof, would be angled away from no. 16 and also stepped back from the boundary behind a raised parapet. The pitched roof would not have a harmful overbearing impact for this reason. The parapet would be a very modest increase in the overall height of the two storey flank wall.
10. In terms of the outlook from the single storey extension, the adjoining outdoor area, and the ground floor patio door, this is already towards the lower portion of a tall blank wall, and as such the small increase in height would not noticeably worsen the existing situation, particularly as the chimney stack would also be removed as part of the proposal. From the first floor windows the increase in height of the wall would be discernible only from an acute angle, and the main aspect towards the garden would be unaffected. The dormer window sits above the proposed position of the parapet wall. It would have a view towards the

proposed pitched roof, but again, its main outlook would be unaffected. For these reasons, I cannot agree that the effect would be overbearing as is asserted.

11. The appeal proposal incorporates a range of other extensions and alterations with respect to which the Council raised no concerns. On the evidence before me, I find that these elements are acceptable in terms of their effects on the outlook of neighbouring occupiers.
12. For the above reasons, I conclude that the appeal proposal would avoid having an unacceptably harmful effect on the living conditions of the occupants of no. 16 with regard to outlook. Accordingly, I find no conflict with Policies 6 and 37 of the Local Development Framework, Local Plan, London Borough of Bromley, Planning Division (adopted January 2019). These policies require a high standard of design, requiring development, amongst other things, to respect the amenity of neighbouring occupiers and to be compatible with development in the surrounding area.

Other Matters

13. Representations received raised concerns regarding loss of light. The appellant provided a detailed assessment of the effects of the scheme on natural light reaching the windows and outdoor spaces of no 16, with regards to daylight, sunlight and overshadowing. The technical analysis was based on the Building Research Establishment approach, in "Site layout planning for daylight and sunlight." The detailed assessment finds that the existing appeal site does cast no. 16 in shadow during certain hours of the day. However, it also provides evidence that the effects of the proposed development would be insignificant when compared with the existing situation. I also note that the Council does not dispute this conclusion and has not found harm in this matter. I have little substantive evidence before me to suggest that the assessment is incorrect, and as such I have no reason to disagree with its conclusions. Accordingly, I have not found harm in respect of the effect of the development on natural light reaching windows and outdoor spaces of no. 16.

Conditions

14. I have imposed the standard time limit and list of approved plans conditions in the interests of certainty, and in accordance with the Planning Practice Guidance. I have required materials to match the existing building to ensure the development sits comfortably within the street scene.
15. The Highway Authority refers to a recommended condition, however no detail has been supplied. As there would continue to be spaces available on the front drive for parking, a condition requiring parking spaces for reasons of highway safety is unnecessary.

Conclusion

16. For the reasons given above the appeal should be allowed.

E Heron

INSPECTOR