



Appeal Decision

Site visit made on 24 February 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/G5180/D/24/3353522

21 Edward Road, Bromley BR1 3NG

- 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 Rakesh Patel against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/02255/FULL6.
 - The development proposed is described as: Proposed first floor and second floor side extensions with roof alterations incorporating dormers to front and elevational alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to previous approval 20/04993/FULL6. Based on my site visit observations it would appear that this is under construction. I have no reason to think otherwise.
3. During the course of the appeal the National Planning Policy Framework December 2024 was revised. There are no substantive changes relevant to the main issues in the appeal before me.

Main Issues

4. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of the occupiers of 23 Edward Road with regard to privacy.

Reasons

Character and appearance

5. The appeal property forms a detached dwelling set back modestly from the highway. The area surrounding the appeal site is primarily characterised by large, detached, well-proportioned two-storey dwellings of varying designs and materials. A substantial three storey residential care home adjoins the appeal site boundary which does not reflect the prevailing character of the area.
6. The main body of the dwelling of approval 20/04993/FULL6 appears well proportioned with an attached garage. The garage is modest in nature with a substantially lower eaves and ridge line than the host dwelling. This visually articulates the two elements and facilitates a subservience to the main body of the

dwelling. Whilst the asymmetrical side profile of the garage is uncharacteristic of the area, its low profile reduces its visibility from the highway and as such, limits its effect on the character of the area.

7. The proposal would be similar to that of approval 20/04993/FULL6, with the main difference being an additional storey above the garage. The proposed garage would be substantially larger than the previous approval, continuing the eaves line of the main dwelling with a marginally lower ridge line. As such, it would not benefit from the visual articulation of the previously approved garage and appear as a continuation of the main dwelling. The proposal would therefore unbalance the previous well-proportioned nature of the dwelling, creating a bulky and awkward form of development. Further, the additional storey would increase the prominence of the side elevation when viewed from the highway. The appeal proposal would therefore appear conspicuous when viewed from the public realm and detract from the aforementioned character of the surrounding dwellings. The set back nature of the proposed first-floor front elevation of the garage and minimal set down of the ridge line would fail to appear proportionate or achieve a subservience to the main body of the host dwelling.
8. The proposal would retain a gap between the adjoining properties and utilise similar materials to the host dwelling. The appeal site is not located within a Conservation Area, Area of Special Residential Character or any other designations. Nevertheless, these do not justify the above identified harm to the character and appearance of the area.
9. The appellant suggests that no policy directly requires extensions to be subservient to the host dwelling. Nonetheless, Policy 6 of the London Borough of Bromley Local Plan (2019) (Local Plan) requires the scale and form of residential extensions to respect or complement those of the host dwelling. The subservience of the garage to the host dwelling of approval 20/04993/FULL6 formed an important part of its scale and form. Therefore, the proposed garage's lack of subservience to the host dwelling conflicts with the relevant provisions of Policy 6 of the Local Plan.
10. For these reasons, therefore, the development would be harmful to the character and appearance of the area. Consequently, in this regard, it would conflict with the relevant provisions of Policy 6 of the Local Plan.
11. Policy D4 of The Spatial Development Strategy for Greater London (2021) (London Plan) is referred to in the Council's first reason for refusal. This policy primarily relates to processes of design necessary to deliver good design. It has not been explained how this is relevant to this main issue and so I consider it weighs neither in favour of nor against the appeal proposal.

Living conditions

12. The appeal site neighbours No 23 Edward Road, a two-storey dwelling with a large rear garden. A patio adjoins the rear elevation of No 23 and finishes at a similar point to the ground floor rear elevation of the proposal. Sporadic vegetation adjoins the shared boundary with the appeal site and when combined with the gentle slope of the rear garden, offers little screening.
13. The main body of the rear elevation of approval 20/04993/FULL6 is extensively glazed. The garage provides a modest separation distance between the main body

of the appeal dwelling and the shared boundary with No 23, restricting the views from the upper floor openings to an oblique angle. The two first-floor rear windows above the garage are relatively small and as such limit views over the garden areas of the neighbouring properties.

14. The proposal would introduce a Juliet balcony within the first-floor rear elevation above the garage and a large, elongated window within the second-floor. The proposed Juliet balcony would be within close proximity to the shared boundary, approximately parallel with the centre of the rear patio of No 23. Given the limited screening along the shared boundary, the proposed balcony would provide its users with unrestricted views over parts of the rear patio and the majority of the rear garden of No 23, unacceptably harming the privacy of its occupiers. Further, the projection of the ground floor beyond the proposed balcony would do little to obscure views of the neighbouring property.
15. The appellant contends that the patio area falls outside the scope of a 45 degree arc drawn from the centre of the opening of the Juliet balcony. Even if this is the case, Juliet balconies by their nature are designed to be stood at and offer their users a wide field of vision, particularly in comparison to windows, including dormer windows, which tend to offer more oblique views. A condition requiring the obscure glazing of the balustrade would do little to reduce the field of vision given the sizable opening above it. As such, the effect of the proposed Juliet balcony on the privacy of the occupiers of No 23 would be greater than the much smaller first-floor windows of approval 20/04993/FULL6 and the proposed second floor window. Further, this would go far beyond the existing levels of overlooking from the rear elevations of surrounding properties.
16. For these reasons, therefore, the development would be harmful to the living conditions of the occupiers of 23 Edward Road with regard to privacy. Consequently, in this regard, it would conflict with the relevant provisions of Policy 37 of the Local Plan. This requires new development to respect the living conditions of neighbouring occupiers, ensuring their privacy is not harmed.
17. Policy D4 of the London Plan is referred to in the Council's second reason for refusal. It has not been explained how this is relevant to this main issue and so I consider it weighs neither in favour of nor against the appeal proposal.

Conclusion

18. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR