



Appeal Decision

Site visit made on 2 April 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/G5180/D/24/3350288

52 Pickhurst Mead, Hayes, Bromley BR2 7QR

- 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 & Mrs Philip Walsh against the decision of the Council of the London Borough of Bromley.
 - The application ref is DC/24/01044/FULL6.
 - The development proposed is demolition of existing garage and construction of a two storey side/rear extension with a single storey part front extension and a single storey part rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and construction of a two storey side/rear extension with a single storey part front extension and a single storey part rear extension at 52 Pickhurst Mead, Hayes, Bromley BR2 7QR in accordance with the terms of the application, Ref DC/24/01044/FULL6, subject to the conditions in the attached schedule.

Preliminary Matter

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published and corrected on 7 February 2025. There is no need to invite further comments from the Council or the appellant on the revisions as there are no fundamental changes relevant to the appeal before me.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 54 Pickhurst Mead, with particular regard to natural light.

Reasons

4. The appeal site includes a two-storey semi-detached dwelling, set within a residential area. The area is generally characterised by pairs of semi-detached dwellings of a similar design albeit some properties have been previously extended and altered leaving varying gaps between properties. The proposal seeks to extend the dwelling through a combination of side, front and rear extensions of part single storey, and part two storey height.
5. The appeal proposal would bring two storey development closer to the shared boundary with 54 Pickhurst Mead as well as projecting beyond the neighbouring rear building line (albeit not beyond the extent of the existing neighbouring conservatory). The side elevation of No 54 has existing windows at both ground and first floor. The evidence indicates that the first-floor windows serve a bathroom and a landing area, and the ground floor windows serve a secondary window to

the kitchen and a cloakroom. There is an existing lean-to roof above the ground floor windows. There are also windows and doors on the existing conservatory which face towards the shared boundary, albeit the conservatory is set away from the boundary.

6. Policy 37 of the Bromley Local Plan (BLP) (2019) seeks to ensure that the relationship between developments and existing buildings allow for adequate daylight and sunlight to penetrate in and between buildings. The windows on the side elevation of No 54 largely do not serve habitable rooms which reduces their sensitivity. Whilst there is a ground floor kitchen window on the side elevation, this is a secondary window which already has its vertical outlook towards the existing lean-to roof. The effect of the proposal on natural light to the windows on the side elevation of No 54 would not be materially different than that which would be experienced by the presence of the existing dwelling at the appeal site.
7. The existing rear building lines of the host dwelling and No 54 are slightly staggered with No 54 projecting further back. This would reduce the impact of the depth of the proposed development, since the majority of the proposal would be adjacent to the neighbouring side elevation, with only a small proportion projecting further rearwards than the neighbouring rear building line.
8. Due to the direction of sun travel, for the majority of the day, the side and rear windows of No 54 and to some extent the rear patio area, would have limited direct sunlight irrespective of the proposed development. The proposed development would be sited to the south-east of No 54. The effect of the proposal on natural daylight would therefore occur primarily during the morning as the sun is rising and would not be significant in comparison to the effect already experienced through the presence of the host dwelling.
9. In addition to the effect on natural light, concern has been raised in respect to neighbouring privacy and outlook with regard to overbearing impacts. From my observations on site, and the proposed form of the development including positioning of windows, I do not consider that the occupiers of neighbouring properties would experience harm to their living conditions in either of these aspects. The Council has suggested a condition for the first-floor window proposed in the side elevation of the development to be obscurely glazed and a separate condition restricting the insertion of further windows and doors. These would be sufficient to safeguard neighbouring privacy.
10. For the reasons above, the appeal proposal would not materially harm the living conditions of the occupiers of No 54, with particular regard to natural light. In this regard, it would therefore comply with the relevant provisions of Policy 37 of the BLP.

Other Matters

11. Representations have been received raising several issues. The evidence indicates that the area experiences localised surface water flooding. Concern has been raised that the proposed development would create an impenetrable barrier to the release of surface water potentially deflecting it to neighbouring properties. The Council has suggested a condition in relation to surface water drainage. This would provide mitigation from any potential localised surface water flooding and be commensurate to the scale of the development.

12. It is suggested by a neighbouring party representation that the proposal does not achieve a high quality design that is respectful to its surroundings and that the level of floor space increase would be disproportionate to the dwelling. I note that these are not matters which have been raised by the Council. Based on the evidence before me, and my observations on site, I have no reason to reach a different conclusion to the Council on this matter.
13. Representations received refer to perceived deficiencies and omissions in the application, including in respect to the title, corresponding certificates and the energy performance certificate within the application form. Based on the information before me, there is no substantive evidence to suggest that the correct certificates have not been served with the application or that the application was not lawfully made. I have therefore dealt with the appeal on this basis.
14. Representations also refer to potential direct and adverse impacts during the construction process, with particular reference to the need for maintained vehicular access for medical reasons. Therefore, as part of determining this appeal I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic, including disability, and people who do not share it. I have also had regard to the interested party's family right to the peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998.
15. I have carefully considered the reasons given in these representations. However, based on the limited information provided, I am not satisfied the proposed development would necessarily impede vehicular accessibility to any neighbouring dwelling.

Conditions

16. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council in light of the Framework and where necessary I have amended the wording in the interests of precision and enforceability.
17. In respect of the pre-commencement condition in relation to surface water drainage, the appellant was given notice in accordance with Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. Confirmation has been received that the appellant would be satisfied with the terms of the condition.
18. I have imposed a condition requiring materials to match the existing dwelling in the interests of the character and appearance of the area. In the interests of certainty and clarity, I have imposed a condition relating to the approved plans. Conditions requiring that the first-floor side window be obscurely glazed and that no further side windows are installed are required in the interests of the living conditions of the occupiers of No 54.

19. Further details are required in relation to surface water drainage to ensure that the development does not have a detrimental impact to localised surface water flooding. The Council has also suggested a condition in relation to maintaining a 1 metre distance between the extension and the property boundary. However, this is implicit in the plans hereby approved and therefore I do not consider it reasonable or necessary to secure this through a separate condition.

Conclusion

20. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal should be allowed.

L Gardner

INSPECTOR

Schedule of 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 drawing nos 5164-21-PL001 Rev. P5 and 5164-21-PL002 Rev. P5.
- 3) (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with the drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (21/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved.
- 4) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
- 5) The extension hereby permitted shall not be occupied until the window at first floor in the side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows (other than those expressly authorised by this permission) shall be constructed on the elevation facing 54 Pickhurst Mead.

END OF SCHEDULED CONDITIONS