



Appeal Decision

Site visit made on 25 March 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/G5180/W/24/3350680

Rose Villas, Sevenoaks Road, Pratts Bottom, Bromley, Orpington BR6 7SF

- 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 Dave Harris (Mid Kent Homes) against the decision of the Council of the London Borough of Bromley.
 - The application ref is DC/24/01387/FULL1.
 - The development proposed is described as: Single storey rear extension to existing building to enable provision of 1, one bedroom apartment with associated amenity space, access and alterations to existing fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The two ground floor flats comprising the rear of the building within the appeal site are identified as Flat 1 and Flat 6 on the submitted plans. I have proceeded on this basis.
3. Since the determination of the application a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The relevant design and amenity policies in the revised Framework are similar (other than paragraph references) to those in the previous Framework and as such I consider there would be no prejudice to any party by considering the development against the relevant parts in the revised Framework.

Main Issues

4. The main issues are the effect of the proposal on the:
 - Living conditions of the occupiers of Flat 1 and Flat 6 with particular regard to outlook, and levels of daylight and sunlight; and
 - Character and appearance of the area.

Reasons

Living Conditions

5. There are two large, glazed openings within each of the rear elevations of the adjoining ground floor flats. When combined with the generous open area to the rear, the open plan living room and kitchen of each flat is afforded high levels of daylight and sunlight, in addition to good levels of outlook for its occupiers.

6. The proposal would require a significant reduction in the size of the rear openings within Flat 1 and Flat 6, forming a small set of double-glazed doors close to the side elevation of each flat. The proposal would project significantly beyond the rear elevation of the existing building, with the flat roof finishing appreciably above the top of the proposed rear doors of Flat 1 and Flat 6.
7. The reduced rear openings of Flat 1 and Flat 6 would be close to the proposed flat in addition to the high fencing and vegetation bounding the rear of the appeal site. The height and projection of the proposal would result in it appearing dominant and overbearing when viewed from the rear of Flat 1 and Flat 6. Further, the proximity of the proposal to the high boundary treatment would create a sense of enclosure when viewed from the rear of these flats. This overbearing effect and sense of enclosure would be particularly harmful given the existing open outlook afforded to the occupiers. The appellant has suggested the addition of landscaping and trellising along the side elevations of the proposal secured through condition. Nevertheless, this would do little to reduce the size and bulk of the proposal when viewed from the rear of Flat 1 and Flat 6.
8. Despite the southern orientation of the rear elevation, by virtue of the scale and massing of the proposed extension, together with the reduction in the size of the rear openings and their close relationship to the proposal and boundary fence would, in my view, significantly reduce existing levels of daylight and sunlight of the open plan living room and kitchen of Flat 1 and Flat 6.
9. The proposed windows within the side elevation of Flat 1 and Flat 6 would be close to and face the high boundary fence. As such, in my view, any contribution to the outlook and levels of daylight and sunlight of the occupiers of Flat 1 and Flat 6 would be limited in this case.
10. The proposal would be located within an open area which currently provides the external living area for the flats comprising the appeal site. The proposal would provide external living areas in excess of the minimum standards of private outdoor space required by Policy D6 of The Spatial Development Strategy for Greater London (2021) (London Plan) for Flat 1, Flat 6, and the proposed flat. Nevertheless, the proposal would result in a net reduction in external living area of the existing flats comprising the appeal site and I do not therefore consider this a benefit of the proposal.
11. For these reasons, I conclude that the proposal would harm the living conditions of the occupiers of Flat 1 and Flat 6 with particular regard to outlook, and levels of daylight and sunlight. As such, in this regard, it would be contrary to the relevant provisions of Policy 37 of the London Borough of Bromley Local Plan (2019) (Local Plan). When read together, these policies require new development to provide sufficient levels of daylight and sunlight to surrounding dwellings, and respect the living conditions of neighbouring occupiers.
12. The decision notice refers to Policy 4 of the Local Plan and Policy D6 of the London Plan which relate to housing design and layout, and housing quality and standards respectively. It has not been explained how these are relevant to this main issue and so I consider they weigh neither in favour of nor against the appeal proposal.

Character and Appearance

13. The appeal site forms two, two-storey semi-detached properties which have been significantly extended to provide flatted accommodation to the rear. Many of the rear elevations of the surrounding dwellings have been altered, giving the built environment a varied character. The rear of the appeal site forms a generous open area, providing external living space for the flats comprising the properties.
14. The proposal would form a single-storey projection to the rear of the existing properties. Despite the significant rear projection of the proposal, it would be sufficiently accommodated within the large open area forming the rear of the appeal site, avoiding a cramped or overdeveloped appearance. It's single-storey, flat roofed form combined with the existing screening would limit views from the surrounding public land to fleeting glimpses and therefore its effect on the existing character and appearance of the area. Further, the proposal would reflect the varied character of the rear elevations of the surrounding built environment. The Council acknowledges that the existing site comprises six flats, and therefore possesses a high-density character. As such, the proposed additional single flat would be in keeping with this existing high-density, flatted character of the appeal site.
15. For these reasons, therefore, the proposed development would not have a harmful effect on the character and appearance of the area. Consequently, in this regard, it would not conflict with the relevant provisions of Policy D3 of the London Plan and Policies 3, 4, and 37 of the Local Plan. When read together, these policies require new development to respond to existing character and not unacceptably impact the character and appearance of the area.
16. The Council has referred to Policy D4 of the London Plan which 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.

Other Matters

17. I have noted the other development drawn to my attention by the appellant. However, the single storey flat roof extension at the rear of the nearby commercial premise within the same parade has different development characteristics to the appeal scheme. As a consequence, whilst I have taken this into account, it does not materially alter my conclusions on the appeal proposal.
18. I have considered the appellant's comments regarding the lack of formal objections from third parties or statutory consultees to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the living conditions of the neighbouring properties and the character of the area and is not a determinative factor on its own.
19. I note the appellant's willingness to carry out further, and accept conditions requiring, the submission and approval of biodiversity enhancements in the rear communal external living area. Whilst this would reduce the impact of the proposal to some degree, these aspects do not overcome the adverse effects outlined above.

Planning Balance

20. The evidence provided by the Council suggests that they have below a 3 year supply of deliverable housing sites. In these circumstances paragraph 11d) of the Framework is engaged. There is nothing before me to suggest that there are any policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development under paragraph 11d)(i).
21. Therefore, the balance in paragraph 11d(ii) applies such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies.
22. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design, the efficient and effective use of land on a small site within an accessible location and through contributing to the supply and mix of smaller sized units in the area. The additional apartment would make a positive, albeit modest contribution to the supply of housing. I have also found that the proposal would not result in unacceptable harm to the character and appearance of the area.
23. While I have given these matters some weight in favour of the appeal, these modest benefits would not be sufficient to outweigh the harm I have identified. I have found above that taken overall the development would harm the living conditions of the occupiers of the neighbouring properties and would be contrary to the amenity aims of the relevant development plan policies set out above.
24. The harm set out above would conflict with the environmental objective of sustainable development and, in my view, the adverse impacts would be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the Framework read as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework.

Conclusion

25. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

N Unwin

INSPECTOR