



Appeal Decision

Site visit made on 12 November 2025

by S Burch BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH November 2025

Appeal Ref: 6000474

333 Dunkery Road, Mottingham, Bromley, London SE9 4LP

- 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 Godlewsky against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 24/04824/FULL1.
 - The development proposed is described as 'Single storey rear extension, loft conversion comprising rear dormer and change of use from a single dwellinghouse (class C3) to a 6-bed HMO (Class C4) with the provision of refuse and cycle storage.'
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension, loft conversion comprising rear dormer and change of use from a single dwellinghouse (class C3) to a 6-bed HMO (Class C4) with the provision of refuse and cycle storage at 333 Dunkery Road, Mottingham, Bromley, London SE9 4LP in accordance with the terms of the application, Ref: 24/04824/FULL1, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Godlewsky against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. On my site visit it was evident that the proposed works have already commenced. I have proceeded on that basis.
4. Although not a refusal reason, in its case officer report and statement of case the Council has raised concerns regarding the effect of the rear extension on the character and appearance of the host property. It is incumbent upon me as the decision maker to consider this point. It is therefore necessary to consider this matter as a main issue. The appellant has had the opportunity to comment on the matter and respond to any points raised by the Council through the appeal process.

Main Issues

5. The Council do not raise any substantial concerns regarding the loft conversion and rear dormer, change of use or the refuse and cycle storage. My report therefore largely focusses on the acceptability of the rear extension.
6. The main issues are therefore the effect of the rear extension on:

- the living conditions of neighbouring occupiers at 331 (No.331) and 335 (No.335) Dunkery Road by way of the provision of natural light and outlook.
- the character and appearance of the host property.

Reasons

Living conditions

7. The appeal site relates to a two-storey mid terrace dwelling on Dunkery Road, close to the junction with Mottingham Road. Surrounding development comprises mainly residential properties of a similar size and style. There is a school to the rear of the site.
8. The rear extension extends outwards from the rear elevation, across the entire width of the property. According to the submitted plans, it measures 6 metres in depth. From my site visit it was evident that both No.331 and No.335 benefit from windows on their ground floor rear elevation which appear to serve habitable rooms.
9. As the ground floor windows on the adjoining neighbouring dwellings are not completely surrounded by built form, the extension would not result in unacceptable harm to the provision of daylight to these properties. Turning to the provision of sunlight, due to substantial depth of the extension, there would be a loss of sunlight, mainly in the late afternoon/early evening time to the ground floor rear windows of No.335. Given the positioning of the appeal property in relation to No.331, and the path of the sun, there would be no significant loss of sunlight to the ground floor rear windows of No.331. The extension would not result in harm by way of loss of sunlight to the first-floor rear windows on the adjoining dwellings, given the extension is single storey in height.
10. The ground floor window on No.335 sits adjacent to the extension. As a result of the depth of the extension, and the proximity of it to the ground floor rear window on No.335, the extension would dominate the outlook from this window, creating a sense of enclosure and resulting in harm to the living conditions of neighbouring occupiers at No.335.
11. The ground floor window on No.331 sits further away from the extension, closer to the shared boundary with No.329. Nonetheless, given the scale of the extension, it would dominate the outlook from the ground floor window, albeit to a lesser extent in comparison to the window at No.335. An obscurely glazed door with a narrow window at No.331 sits adjacent to the extension, however in any case this would offer limited outlook due to being obscurely glazed, and the window element being very narrow. I therefore do not consider that the extension would result in a harmful loss of outlook from this door/window. The extension would not result in a harmful loss of outlook from the first-floor rear windows on the adjoining dwellings, given the extension is single storey in height.
12. For the reasons detailed above, the extension would result in harm by way of loss of sunlight to the occupiers of No.335, and loss of outlook to the occupiers of both No.331 and No.335. This would be harmful to their living conditions and is contrary to Policies 6 and 37 of the London Borough of Bromley Local Plan (BLP) and Policy D3 of the London Plan (LP). Collectively, amongst other matters, these

policies seek to ensure high quality design that protects the amenities of neighbouring occupiers.

Character and appearance

13. The extension extends across the entire width of the dwelling and extends a considerable depth outwards from the rear wall. This significant depth dominates the host property, almost doubling the depth of the pre-existing ground floor. Given its scale, the extension results in an incongruous addition to the host property that is out of keeping with surrounding development. This is contrary to Policies 6 and 37 of the BLP and Policy D3 of the LP, which amongst other matters, seek to ensure a high quality of design that is compatible with surrounding development.

Other Matters

14. I am mindful of the fallback position put forward by the appellant under Class A of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), as amended, which allows for an extremely similar rear extension of up to 6 metres in depth. The appellant previously submitted a prior approval application for such an extension, and the Council determined that prior approval was not required (Ref: 24/04296/HHPA).
15. The Council contend that while the extension received a 'no prior approval required' decision, this does not confirm lawfulness and in the absence of a Lawful Development Certificate (LDC), the Council cannot treat the extension as definitively lawful or immune from enforcement. The absence of a LDC is however not determinative of itself. The appellant stipulates that the extension was built in accordance with the permitted development rights. There is no compelling evidence before me to dispute this or indicate that the extension is unlawful. There is also no evidence before me to suggest that the Council have pursued any enforcement action in relation to the extension.
16. Therefore, based on the evidence before me, there is clearly a greater than theoretical possibility that the development might take place. In any case, the extension has already been substantially built. Given the similarity of the extensions, the rear extension sought under the appeal scheme would not be more harmful than the prior approval scheme, with regard to its effect on the character and appearance of the host property, and on neighbouring living conditions. This is therefore a material consideration which must attract significant weight, and which in this instance dictates that permission should be granted.
17. The Council has alluded to the use of a planning condition to restrict the number of occupants to 6 people in its case officer report, stating that such a condition would be necessary to ensure the acceptability of the scheme with regard to its effect on the character of the area, the standard of accommodation for future occupiers, effect on neighbouring amenity by way of noise and disturbance and on its effect on the local road network.
18. It has however not suggested such a condition in its list of suggested conditions. In any case, I am not satisfied that a planning condition to limit occupancy would meet the tests set out in the National Planning Policy Framework. However, the pre-existing floor plans show three bedrooms and therefore taking account of larger and multigeneration families, the pre-existing dwelling could have been

occupied by up to 6 people, thereby having a similar impact on the above considerations, in comparison to the change of use to a 6 person House in Multiple Occupation. In any case, the submitted plans show only 6 single bedspaces. I do not consider the scheme to result in material harm in these regards.

19. Concerns are also raised regarding work commencing without planning permission, and building materials being left on the road. These matters do not have a direct bearing on the outcome of my decision.

Conditions

20. The Council has suggested a number of conditions which I have considered in light of the advice in the National Planning Policy Framework and Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions in the interests of precision and enforceability.
21. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have amended the Council's suggested condition relating to materials to ensure the materials match those indicated on the submitted plans and in the application form.

Conclusion

22. The proposal would conflict with the development plan for the reasons set out above. However, in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004, in this instance the significant weight which I have attached to the material considerations indicate that the conflict with the development is outweighed.
23. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

S Burch

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location & Block Plan, Drg No. E00
 - Proposed Drawings Floor Plans, Drg No. P01
 - Proposed Drawings Floor Plans, Drg No. P02
 - Proposed Drawings Elevation, Drg No. P03
 - Proposed Drawings Elevation, Drg No. P04
 - Proposed Drawings Section, Drg No. P05
 - Proposed Drawings Details, Drg No. P06
 - Proposed Drawings Details, Drg No. P07
- 3) The materials to be used in the construction of the external surfaces of the development shall match those indicated on the approved plans and in the application form.

****END OF SCHEDULE****