

Appeal Decision

Site visit made on 6 September 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal Ref: APP/G5180/D/16/3154476
18 Julian Road, Orpington, Bromley BR6 6HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Khshitij Anand against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00874/FULL6, dated 22 February 2016, was refused by notice dated 9 May 2016.
 - The development proposed is a rear, side and roof extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are :
 - the effect of the development on the living conditions for the occupants of the neighbouring property at No.20 Julian Road with particular regard to outlook, daylight and privacy;
 - the effect of the development on the character and appearance of the dwelling.

Reasons

Living Conditions

3. The appeal property forms a detached two storey dwelling with an existing rear raised terrace on Julian Road, a residential cul de sac. The appeal proposes a rear, side and roof extension to provide additional living space.
 4. The appeal dwelling is sited slightly further back in the plot than the neighbouring property at No. 20 Julian Road and extends further to the rear. Due to the slope of the road it is also set at a higher level. It is proposed to construct a two storey extension to the rear of around 5 metres in length and to increase the ridge height of the dwelling by approximately 1.4 metres to enable a loft conversion and second floor bedroom. Including a proposed replacement rear terrace, the development would have an overall projection of over 11.5 metres at ground floor. I consider that the increased depth, bulk and height of the dwelling would as a result of its rearward projection and elevated position, be overbearing in relation to the neighbouring property. It
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- would have an enclosing effect along the side boundary and result in a poor outlook from the rear windows and garden of the neighbouring house.
5. With regard the rear terrace, I acknowledge that many other properties on Julian Road have extensive raised terraces to the rear. I consider that this feature, which would be at ground floor level and screened by the side boundary treatment, would not cause material harm to outlook for the occupants of the neighbouring dwelling.
 6. The Council has also raised concern that the proposal would be detrimental to the amenities of No.20 as a result of overshadowing. The appellant has brought my attention to the mature conifer tree on the side boundary of the two properties which would be removed as part of the scheme. The appellant has also provided a sunlight phase diagram. I consider on the basis of the evidence before me, that the removal of this tree would have the benefit of increasing light to the neighbouring garden.
 7. The sunlight phase diagram does not demonstrate the impact of the proposed development in terms of light and shadowing to the neighbouring property. However I consider that bearing in mind the orientation of the two properties, their separation distance and the height difference, whilst there would be some overshadowing to No.20, this would be offset by the increased light from the removal of the conifer tree. I have also noted the diagram provided by the appellant to show that the two storey rear extension would not breach the 45 degree line taken from windows to the rear of No.20. I therefore consider that the proposal would not materially affect the neighbouring property in terms of overshadowing and loss of daylight.
 8. The Council's second reason for refusal refers to the impact of the raised rear terrace in terms of overlooking to No.20 Julian Road. There is no discussion of the impact of the terrace in the Council's evidence. I note the appellant's advice that the existing side wall and fence, which currently screens the existing raised terrace would be extended in order to prevent overlooking to the neighbouring property. I consider that this measure would adequately mitigate any loss of privacy to the occupants of No.20. This could be ensured through the imposition of an appropriate condition in the event that the appeal were to be allowed.
 9. In conclusion whilst I consider that the appeal proposal would be acceptable in terms of loss of daylight and privacy, I have found that the development would cause harm to the living conditions of the occupants of the neighbouring dwelling in terms of poor outlook. The proposal would therefore be contrary to Policies BE1 and H8 of the Bromley Unitary Development Plan 2006 which amongst other things seek to protect the amenity of occupiers of neighbouring buildings. I consider these policies to be generally consistent with the National Planning Policy Framework (the Framework) which in paragraph 17 aims to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

10. The appeal property is located in a residential area of generally large detached two storey dwellings and bungalows of differing styles and designs. I noted on my site visit that many of these properties have been extended or altered with

both single storey and two storey extensions or have been replaced. The appellant has brought my attention to a number of these, in particular No. 34, which forms a new three storey dwelling. This property is slightly larger than the appeal proposal. I consider that this dwelling is not comparable to the appeal case as No. 34 is set further forward than its neighbour at No. 32 and the dwelling does not extend as far to the rear. I have also considered No. 35 Julian Road, a replacement dwelling of two storeys with a lower basement. I am advised that this house would be around 9 metres longer and be at a higher level than the neighbouring dwelling at No. 33. Whilst this proposal may have similarities to the appeal case in terms of its elevated position and length, it differs in terms of design and footprint and is staggered away from the common boundary with No.33.

11. I accept that the examples referenced by the appellant demonstrate a changing street scene. Whilst many of these examples result in dwellings of a similar size to the appeal proposal, I do not consider them to be directly comparable, as they differ in terms of their siting, relationship to adjoining dwellings, design and level differences. Accordingly I have considered the appeal before me on its individual merits.
12. The appeal proposal alters the front elevation of the property very little except for the removal of the chimney and installation of rooflights. In terms of the street scene and character of the area I consider the appeal scheme to be acceptable.
13. The Council has argued that the appeal proposal as a result of its bulk and design would harm the character and appearance of the host dwelling. The existing dwelling whilst being attractive is not of exceptional design. The proposal would create a four storey house including a basement level providing a swimming pool and a bedroom in the roof space. The alterations to the rear would be of a contemporary design with areas of glazing and balconies overlooking the rear garden. The staggered nature of the rear elevation not only reflects the difference in levels but provides interest and depth to the rear elevation.
14. I have had regard to paragraph 60 of the Framework that states that planning decisions should not attempt to impose architectural styles or particular tastes and that they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
15. In conclusion I consider that the design of the appeal proposal would not materially harm the character or appearance of the host dwelling. The proposal would comply with Policies BE1 and H8 of the Bromley Unitary Development Plan 2006 which amongst other objectives aim to achieve high quality design.

Conclusion

16. I have found that the appeal proposal would not cause harm to the character and appearance of the host dwelling. Whilst this adds support to the scheme it does not outweigh the harm I have identified to the living conditions of the occupants of the neighbouring dwelling with regard to outlook.

17. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR