
Appeal Decision

Site visit made on 19 September 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 11 October 2016

Appeal Ref: APP/G5180/W/16/3152812

4 & 6C Westmoreland Road, Bromley BR2 0QL

- 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 Giuseppe Savoia against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/15/04342/FULL1, dated 5 October 2015, was refused by notice dated 11 February 2016.
 - The development proposed is described as erection of part one/two storey rear extension on No.4 Westmoreland Road, including conversion of existing ground floor flat into 2x1 bed flat along with an infill loft extension with dormer windows at the rear, with No.6 Westmoreland Road, to create additional bedroom to existing flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal as set out on the Council's decision notice refers to No.6C Westmoreland Avenue. The Council has advised that this should read No.6C Westmoreland Road.
3. The Council's second reason for refusal refers to Flat 3. The Council has advised that this should read Flat 2 and it is clear from the submitted plans that the proposed basement accommodation comprises part of Flat 2. I have dealt with the appeal accordingly.

Main Issues

4. The main issues are:
 - Whether the future occupiers of Flat 2 would have satisfactory living conditions having regard to outlook, daylight and sunlight;
 - The effect of the proposal on the character and appearance of the host dwellings and the surrounding area.

Reasons

Living conditions

5. The existing ground floor of 4 Westmoreland Road comprises a one bedroom flat. The proposal would involve the extension and alteration of the ground
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floor and existing basement of No.4 to form two one bedroom flats. Flat 2 would have accommodation over two floors with the basement being used as an open plan kitchen, living and dining room also incorporating a toilet and shower room. A small area of the front garden of No.4 would be excavated to provide a front yard/lightwell for the basement and a large window is proposed in the front elevation of the basement adjacent to the excavated area and located largely below the ground floor projecting bay window. Railings would be erected around the edge of the lightwell at ground floor level.

6. The below ground level position of the kitchen, living and dining room to Flat 2, its depth, the relatively small size of the front yard/lightwell and close proximity of the basement window to the retaining walls together with the position of the projecting bay window immediately above it means that the outlook from the main living area of Flat 2 would be poor. Though I acknowledge that there would be some outlook from the window to above ground level, this would be limited and would be impacted on by the proposed railings around the edge of the front yard/lightwell.
7. In addition the amount of daylight and sunlight that would be received by the basement room would be restricted given the position of the basement window relative to the ground level, retaining walls and projecting bay window above.
8. I note that the size of the basement window was increased during the course of the application and prior to determination by the Council and also that the proposed flat complies with the floorspace requirements of Policy 3.5 of the London Plan. The appellant has made reference to the design principles applied by the London Borough of Hackney to habitable basement rooms and to guidance produced by the Building Research Establishment (BRE). I have not been provided with copies of this guidance. In any event the Hackney guidance is not directly relevant to the proposal given that it relates to a different area and for the reasons set out above, despite the orientation of the appeal site and the position and size of the basement window, I do not consider that satisfactory living conditions would be provided.
9. Finally I note the appellant's offer to re-arrange the internal layout of Flat 2 to overcome any concerns regarding outlook and daylight/sunlight and the view that this could be secured by the imposition of a condition. However no amended plans have been submitted with the appeal and I must determine the proposal before me as shown on the submitted plans. I do not consider that a re-arranged layout for the flat could be secured by condition as this would materially alter the proposal and the use of a condition would therefore potentially prejudice the interests of interested parties.
10. Taking the above matters into consideration, I conclude that the future occupiers of Flat 2 would not have satisfactory living conditions having regard to outlook, daylight and sunlight. The proposal is therefore contrary to Policy 3.5 of the London Plan (LP) and Policy BE1 of the London Borough of Bromley Unitary Development Plan (UDP). These policies expect development to, amongst other things, be of the highest quality internally and to respect the amenity of future occupiers.

Character and appearance

11. The appeal site comprises a pair of two storey semi-detached properties fronting onto Westmoreland Road. The front elevation of the host building is

relatively unaltered with the rear elevation of No.6 having had various alterations meaning that the rear elevation of the host building is no longer symmetrical. The upper part of the rear elevation and the roof of the host building are visible from Aylesbury Road and Newbury Road. The character and appearance of the immediate surrounding area is mixed and includes a church and large scale commercial buildings including the major development under construction at St Mark's Square together with smaller scale residential properties. There are a number of roof extensions of varying sizes and designs in the immediate vicinity of the site on Newbury Road and Aylesbury Road.

12. The proposal to extend the host building at the rear would increase its bulk and massing. However the design and scale of the extensions are such that they would re-introduce symmetry to the rear of the host building, would be lower than the main part of the host building and would therefore be subservient. The extensions would be constructed from matching materials and part of the roof would be hipped to match the main roof of the host building. Though the upper parts of the rear extension, including the roof extension and small flat roofed dormers, would be visible from the rear of the site, the altered building would be viewed against a backdrop of taller buildings including some with flat roofs and would be screened to some extent by an existing building and existing landscaping. In addition, as stated there are various examples of roof extensions in the immediate vicinity of the appeal site and these comprise part of the character of the area.
13. Taking the above matters into consideration I conclude that the proposal would not have an adverse effect on the character and appearance of the host building or the surrounding area. It therefore complies with Policy BE1 of the UDP. This policy requires all development proposals, amongst other things, to be of a high standard of design and to complement the scale, form, layout and materials of adjacent buildings or areas.

Other Matters

14. I have had regard to the fact that the proposal would provide an additional unit of residential accommodation in an accessible location with good access to a range of services and facilities. It would provide some modest economic and social benefits.

Conclusion

15. The proposal would not adversely affect the character and appearance of the host building or the surrounding area and the additional unit of residential accommodation would provide some modest economic and social benefits. However the proposal would not provide future occupiers of Flat 2 with satisfactory living conditions having regard to outlook, sunlight and daylight.
16. For the above reasons and having regard to all matters raised, I therefore conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR