

Appeal Decision

Site visit made on 11 October 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 3 November 2016

Appeal Ref: APP/G5180/D/16/3155359

78 Elmstead Lane, Chislehurst, Bromley BR7 5EL

- 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 BWC Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01418/FULL6, dated 18 March 2016, was refused by notice dated 16 May 2016.
 - The development proposed is alterations to existing dwelling including front gable addition, first floor side extension and part single/part two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to existing dwelling including front gable addition, first floor side extension and part single/part two storey rear extension at 78 Elmstead Lane, Chislehurst, Bromley BR7 5EL in accordance with the terms of the application, Ref DC/16/01418/FULL6, dated 18 March 2016, subject to the following 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 the following approved plans: 1518_01-00, 1518_01-01, 1518_01-02, 1518_02-01, 1518_02-02, 1518_02-03, 1518_02-04, 1518_02-05 and 1518_02-06.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the host dwelling and the surrounding area having regard to the proposed two storey front extension;
 - The living conditions of the occupiers of Nos 76 and 80 Elmstead Lane having regard to outlook and light.

Reasons

Character and appearance

3. The appeal site comprises a detached two storey dwelling set back from and fronting onto Elmstead Lane. The host dwelling is constructed from brick and its front elevation has a simple appearance. Though the neighbouring property
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at 76 Elmstead Lane has a similar appearance to the host dwelling, the immediate surrounding area is characterised by dwellings of varying sizes, designs and materials and there are a number of dwellings nearby with two storey front extensions, albeit of differing designs.

4. The proposed two storey front extension would be located centrally within the front elevation of the extended dwelling. It would have a fully glazed gable feature to the front and the glazing would partly wrap around the side of the gable. The ridge height of the front extension would be below the ridge height of the main roof of the host dwelling and it would be constructed from brick under a grey slate roof to match the main roof of the host dwelling the walls of which would be rendered and painted white as part of the proposal.
5. Though the proposed front extension would be modern in appearance, the appearance of the host dwelling would be significantly altered by the proposal which involves a number of extensions, changes to external materials and changes to fenestration. Consequently though prominent I do not consider that the two storey extension would be conspicuous, harmful or out of character with either the host dwelling or other properties in the surrounding area which is mixed in character.
6. The Council raised no objections to the other aspects of the proposal having regard to the impact on the character and appearance of the host building or surrounding area and I have no reason to disagree with their findings on those aspects.
7. Taking the above matters into consideration, I conclude that the proposal complies with policies BE1 and H8 of the London Borough of Bromley Unitary Development Plan (UDP). These policies require, amongst other things, a high standard of design and the scale, form and materials of extensions to respect or complement the host dwelling and development in the surrounding area.

Living conditions

8. Detached dwellings are located to either side of the appeal site. The rear elevation of 76 Elmstead Lane is broadly in line with the existing two storey part of the rear elevation of the host dwelling and contains a number of window and door openings at ground and first floor level. The common side boundary between the appeal site and No 76 is marked by a solid timber fence. The two storey part of the rear elevation of 80 Elmstead Lane extends beyond the existing two storey part of the host dwelling and there is also a single storey rear projection beyond the main rear elevation of No 80 positioned close to the common side boundary. The side boundary between the appeal site and No 80 is marked by a solid timber fence and landscaping.
9. The proposed rear extension would extend the full width of the extended dwelling at No 78 but would be set in from the side elevations at first floor. The appellant has provided a drawing showing that the rearward projection of the two storey rear extension would not breach a 45 degree line taken from either the outer edge or the middle of the nearest windows in the rear elevations of Nos 76 and 80. Having regard to this and to the relative position and scale of the rear extension and the rear elevations and rear windows of neighbouring properties, I am satisfied that the rear extension would not appear over dominant or be overbearing. I am also satisfied that the rear

extension would not have a significant adverse impact on the outlook from the rear gardens of Nos 76 and 78.

10. The Council also has concerns regarding a loss of light to the ground floor extension of No 80 due to the rearward projection of the rear extension and the relative orientation of the appeal site and No 80. In response to these concerns the appellant has submitted a Daylight and Sunlight Assessment (DSA) with the appeal. The report concludes that the proposal would have a low impact on the light received by neighbouring properties.
11. Though the proposed rear extension would be located to the south of the dwelling and garden at No 80 it would not extend beyond the ground floor extension at No 80. Consequently the windows in the rear elevation of the ground floor extension at No 80 would not be overshadowed by the rear extension at the appeal site. Though there is likely to be some overshadowing and loss of light to the side window in the ground floor extension, the nearest first floor windows in the rear elevation and the rear garden of No 80, having regard to the findings of the DSA, this would not be significant. There would be no significant loss of light to the dwelling or garden at No 76.
12. Taking the above matters into consideration I conclude that the proposal would not have a significant adverse effect on the living conditions of the occupiers of 76 and 80 Elmstead Lane having regard to outlook and light. It therefore complies with policies BE1 and H8 of the UDP. These policies require, amongst other things, development to respect the amenity of occupiers of neighbouring buildings and to ensure their environments are not harmed by inadequate daylight, sunlight or overshadowing.

Conditions

13. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have not imposed a condition requiring the extensions to be constructed from materials to match the existing building bearing in mind that the existing building would be rendered and having regard to the fact that details of materials are specified on the approved plans.

Conclusion

14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR