
Appeal Decision

Site visit made on 18 October 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 7 November 2016

Appeal Ref: APP/G5180/W/16/3155291
29 Langley Road, Beckenham BR3 4AE

- 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 Jamcap Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01762/FULL1, dated 8 April 2016, was refused by notice dated 7 June 2016.
 - The development proposed is demolition of existing concrete garage and erection of a two storey side extension to form a new two bedroom dwelling with private garden together with two parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that the Council is no longer contesting refusal reason 6 (car parking).

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on: -
 - (a) The character and appearance of the area;
 - (b) The living conditions of adjoining occupiers; and,
 - (c) Whether the proposed dwelling would provide satisfactory accommodation for its occupants.

Reasons

The character and appearance of the area

4. The appeal site has been the subject of a previously dismissed appeal (appeal reference APP/G5180/A/14/2215943) in which the Inspector described this location as a mixed residential area with variety of plot widths and depths. The Inspector also commented that "whilst spaces in the street vary they do exist between dwellings creating a pleasant suburban character". My observations of the area would concur with this. The appeal site, although hosting a low-key garage structure within the gap between dwellings, contributes to the openness and space between existing dwellings that is characteristic of this streetscape.
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5. The proposal would have a frontage of similar width to that of No.31, albeit not nearly as wide as that of the host property, which comprises 2 flats, Nos.27 and 29. It would be a deeper building than those buildings either side of it. An approximate 1m gap to the common side boundary of No.31 would remain. This would accord with Policy H9 of the London Borough of Bromley Unitary Development Plan (UDP). Overall, there would be a gap of around 3m retained between the proposed development and the flank wall of No.31.
6. The proposal has been designed as an extension to the host property with matching features, hipped roof form and materials and would be set back from its front main elevation with the roof height set at a lower level to that of the ridge. Nonetheless, the proposal would create a dwelling of significant size and scale that would substantially reduce the space between properties. This part of the street is characterised by modest dwellings with generous space between them. The appellant contends that the resulting gap would be consistent with side spaces or gaps that are evident in this section of Langley Road. Although spaces between properties vary along Langley Road, the proposal would significantly and harmfully diminish the spaciousness apparent in this part of the street scene.
7. In combination with the above, the creation of a large wide dwelling attached to the side of the host property would unbalance the proportions and symmetry of the existing building. In addition, its proximity to neighbouring buildings would create a substantial development of cramped appearance within the plot and would not conform with the character of the surrounding development. It would considerably erode the space between dwellings, particularly when viewed at an angle from the adjacent public highway. The proposal would harm the appearance of the street scene at this point.
8. The proposed extension would project beyond the rear building line of adjacent properties. This in itself would not be unusual as some other properties in the area also have projections to the rear. However, the proposed chamfered corner and low sloping rear roof, which are intended to respect the constraints of the site and the living conditions of neighbouring residents, would be very different to existing properties. These elements of the proposed design would be visually poor as a result of the non-conventional and contrived form. This visual harm would be apparent to neighbouring occupiers and also weighs against granting permission .
9. I therefore conclude on the first main issue that the proposal would have a harmful effect on the character and appearance of the area. It would conflict with Policies BE1, H7 and H9 of the UDP and Policies 3.5 and 7.6 of the London Plan which seek development that is compatible with and complements the quality of the area in which it is located, amongst other matters. The proposal also conflicts with one of the core principles and paragraphs 56 and 58 of the National Planning Policy Framework which state that planning should always seek to secure high quality design and respect to local character.

The living conditions of adjoining occupiers

10. The adjoining property, No.31, has 2 windows in the flank elevation that the Council indicated serve a ground floor dining room and a first floor bedroom. I observed that these windows are positioned towards the front of the property in the side elevation. Although the proposed dwelling would be stepped back from the front building line of this adjoining property and have a separation of

approximately 3m, the proposal would be clearly visible in close proximity in terms of outlook from these rooms. The separation would, in my opinion, retain daylight to these rooms and the siting of the proposed development to the north of No.31 would not result in significant shadowing of these rooms over the course of the day. Notwithstanding this, the proposed dwelling by reason of its height, mass and close proximity would dominate the outlook from these rooms, which are rooms in which the occupiers are likely to spend a reasonable amount of their time, and would harm the living environment of the adjoining occupiers.

11. I therefore conclude on the second main issue that the proposed dwelling would be harmful to the living conditions of adjoining occupiers. It would conflict with Policies BE1, H7 and H8 of the UDP and Policy 3.5 and 7.6 of the London Plan which seek all development proposals to be of a high standard of design and layout and should respect the amenity of occupiers of neighbouring buildings, amongst other matters.

Whether the proposed dwelling would provide satisfactory accommodation for its occupants

12. The Council is concerned that the proposed study could function as a bedroom. Whilst I understand the Council's concern in respect of the use of this room I must nonetheless consider the scheme that is before me. The study would have no window outlook, although it would receive daylight from a rooflight. The proposed study, to my mind, would be a room in which future occupiers could spend a reasonable amount of their time and, as such, should benefit from the same standards of accommodation as other habitable rooms in a dwelling. The lack of outlook would be unlikely to provide satisfactory living conditions for future occupants.
13. Outlook from the first floor rear bedroom would be toward the existing adjoining garden of the ground floor flat at the host property. Although the window would be set back from the common boundary there would be overlooking from this room of the private garden. The appellant accepts there would be a view from this window, however contends that in suburban areas such as this, it is common to outlook upon gardens of neighbouring properties. The relationship of this window to the flank elevation, in such close proximity to the adjoining neighbour's garden, would result in direct overlooking. As a consequence, those using this garden would experience a perception of being overlooked whilst using this existing private external amenity space.
14. The appellant has suggested that the first floor bedroom window could be fitted with obscure glazing. However, as this room is likely to be a space where future residents would spend much time, the use of obscure glazing would fail to provide a satisfactory outlook and would not achieve a good standard of amenity as required by the National Planning Policy Framework.
15. I therefore conclude on the third main issue that the proposed dwelling would not provide satisfactory accommodation for its occupants. It would conflict with Policies BE1 and H7 of the UDP and Policy 3.5 and 7.6 of the London Plan which seek all development proposals to be of a high standard of design and layout and should respect the amenities of future occupiers, amongst other matters.

Other Matters

16. The proposal would be an infill development and provide an additional home within the urban area in an accessible location close to a railway station and tram stop and there are bus services and local shops and other facilities. I note the findings of another Inspector who determined an appeal on a site in Lower Sydenham (ref APP/G5180/W/16/3144248). However, the proposal was for a much larger development in a different part of the Borough. Overall, this is a materially different planning proposal to which differing consideration applied. Whilst the proposed development, by creating an additional home in the Borough would contribute to the housing land supply, this benefit would not outweigh the harm identified above.

Conclusions

17. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR