

Appeal Decision

Site visit made on 8 November 2016

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 14TH November 2016

Appeal Ref: APP/C5690/D/16/3157998

49 Pendragon Road, Bromley BR1 5JZ

- 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 Dimche Zdravkov against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096026 was refused by notice dated 12 July 2016.
 - The development proposed is described on the application form as a 'first floor extension to existing property'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Different spellings for the surname of the Applicant have been given on the relevant forms and in the heading above I have used that stated on the application form.

Main issues

3. The main issues in this appeal are:
 - The effect on the living conditions of the occupiers of the adjacent dwellings at 47 and 51 Pendragon Road, with regard to whether the extension would appear overbearing and overshadowing.
 - The effect on the character and appearance of the locality.

Reasons

4. The appeal concerns a mid terrace two storey dwelling. The first floor addition would be built above a ground floor flat roof extension which the Council has accepted under the prior approval process and I saw at my site visit that this currently comprises an uncompleted shell.
 5. The proposed extension would not project beyond 45 degree lines taken from the nearest windows serving habitable rooms at the first floors of the adjacent dwellings. There is a conservatory at the rear of no. 51, which the Council estimates to have a depth of about 2m. To this side the addition would be set back an estimated 0.9m from the boundary. As a result there would be no
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unacceptable effects in relation to the first floor accommodation within the adjoining dwellings or the rear amenity space at no. 51.

6. However, the addition would virtually abut the boundary with no. 47 and have its eaves level at the same height as that of the main roof with its ridge rising significantly above this. In these circumstances the 3m projection beyond the rear elevation of the neighbouring dwelling and the proximity of the vertically rising flank wall would create an unpleasant and oppressive sense of enclosure and loss of outlook. The height and depth of the extension would therefore be excessive in this context.
7. As a result the extension would appear overbearing when seen from the rear amenity space at no. 47. Moreover, this would occur in relation to that part of the external area immediately to the rear of the property and therefore most important to the quality of the external environment. Because the neighbouring garden would be to the south-west of the extension there would be no undue degree of overshadowing.
8. Nevertheless, in consequence of its overbearing appearance, the development would be harmful to the living conditions of the adjacent occupiers. The significant loss of amenity in relation to the back garden of the adjoining house would be contrary to Development Management Local Plan, Adopted 2014, DM Policy 31 2 c. The failure to protect neighbour amenity would be in conflict with Core Strategy Policy 15 6 d.
9. The first floor addition would have its ridge significantly below that of the main roof. The flank wall of the extension would also have a depth less than half that of the existing property at first floor level. In these circumstances it would be a subservient feature that would not appear incongruous or overly dominant. This would be the case even taking into account the cumulative effect of the single storey extension. As a result, the character and appearance of the locality would not be harmed.
10. The proposal would accord with the aim of DM Policy 31 2 b that rear extensions should not be higher than the ridge of the main roof. DM Policies 30 and 31, as well as Core Strategy Policy 15 seek a high standard of design, which given the subordinate appearance, as well as matters such as the matching materials and pitched roof form, would be achieved in this case.
11. The Appellant points out that there have been no objections to the planning application from neighbours. However, I must consider this appeal strictly on its planning merits and this is not a matter that confers acceptability.
12. The Appellant indicates a requirement for an extra bedroom to meet the needs of a growing family. Nevertheless, in my view the resultant accommodation would be achieved at the undue expense of the quality of the environment for the adjacent occupiers. I am satisfied that rejecting the appeal in this situation would be both proportionate and necessary. As a result and taking account of all other matters raised, including the absence of harm in relation to character and appearance, it is determined that the appeal fails.

M Evans

INSPECTOR