

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: 16th November 2016

Appeal Ref: APP/G5180/D/16/3151433

8 Stephen Close, Orpington, London Borough of Bromley BR6 9TZ

- 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 & Mrs Huang against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00406/FULL6, dated 28 January 2016, was refused by notice dated 24 March 2016.
 - The development proposed is a two storey rear, first floor side with part front extensions and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear, first floor side with part front extensions and garage conversion at 8 Stephen Close, Orpington, London Borough of Bromley BR6 9TZ in accordance with the terms of the application, Ref DC/16/00406/FULL6, dated 28 January 2016, subject to the following conditions: -
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan 2668-15-PL001 Revision P4.
 - 3) The materials to be used in the external surfaces of the development herein permitted shall match those of the existing property.

Preliminary Matters

2. The appellant has put forward an additional plan reference 2668-15-PL001 Revision P4. The plan shows the same proposal as plan reference 2668-15-PL001 Revision P3 but includes a labelling correction to the existing first floor plan. This information does not change the proposal and, as such, the plan would not, in my view, prejudice the interests of third parties. For this reason I have had regard to this plan.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.
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Reasons

4. Stephen Close is a residential cul-de-sac mainly characterised by two-storey detached properties of similar architectural style. A number of the properties in this street host later two storey side extensions. To this side of Stephen Close the properties have a single storey garage to one side creating gaps at first floor between properties. For this reason the properties on this side of the cul-de-sac differ in character to the development on its other sides.
5. The first storey side extension would be erected above the existing garage and existing wider extension to the rear. The flank wall of the existing rear extension is 0.8m from the side boundary with No.9. The boundary is formed by the flank elevation of No.9 and its single storey rear addition which is noted to have a small step in from the side of the original dwelling. Whilst the proposed side extension would not be as wide as the existing rear side extension, the Council has determined that the side extensions, existing and proposed, taken as a whole, conflicts with Policy H9 of the London Borough of Bromley's Unitary Development Plan (UDP). This Policy requires proposals for two or more storeys in height to be a minimum of 1m from the side boundary for the full height and length of the flank wall of the building.
6. The purpose of this policy is to retain space around residential buildings, partly in order to prevent a cramped appearance and terracing from occurring. This is a valid objective to which I have had regard, however the part of the development which impinges upon this space requirement already exists. The proposed first floor side extension would, over its depth, be 1m from the boundary with No.9. Due to this separation, I am satisfied that the proposed development would not appear cramped within the streetscene and that the appearance of terracing would not occur. Consequently, notwithstanding some limited conflict with Policy H9 to the rear of the proposal, I therefore find that this element of the proposal would not result in material harm.
7. In reaching my decision, I have considered the concerns raised by interested parties. The proposal would result in extension to 3 elevations of the appeal dwelling. The two storey extension to the rear would be of minimal projection and would be designed to be in keeping with the host property, with eaves level and pitch of hipped roof matching those of the dwelling. The single storey front section is a small addition to the frontage and would not significantly project forward of the existing building line and alter the appearance of the property or the area. The conversion of the garage and the insertion of a window at ground floor would be a minor change to the frontage appearance. The first floor side extension would be designed to match the appearance of the host property.
8. The area with its open plan frontages has a spacious character. Although the dwellings are positioned close to one another on this side of the cul-de-sac, the proposed extension would not significantly increase the footprint of dwelling or its size and scale. Whilst the property would be extended forward of the existing front building line, the main set back of the dwelling from the highway would remain. The proposal would maintain separation to the side boundary and the design of the extensions would correspond to the design and appearance of the host dwelling. I therefore, consider the proposal would not result in overdevelopment of the site or harmfully alter the building line or detrimentally affect the appearance of the property and the surrounding area.

9. Overall, I conclude that the proposed development would not harm the character and appearance of the area and, for the reasons given, would not materially conflict with Policy H9.

Other matters

10. No.7 Stephen Close is positioned deeper into its plot and the flank wall of this property abuts the appeal site at this point. The two-storey projecting rear extension would, therefore, not have an impact on the occupiers of this property. The front extension and change of the garage to a habitable room would not effect the living conditions of neighbouring occupiers.
11. The proposal would create additional development in close proximity to No 9 Stephen Close. The first-floor side extension would project beyond the rear building line of No 9 and the extension would be visible in outlook from the ground floor living space, first floor bedroom and rear garden and patio of this property. Taking account of the separation between the extension and No.9 and the pitch of the roof of the first floor side extension which slopes away, I do not consider undue harm to outlook and light would occur or that significant loss of privacy would take place. Concerns have been expressed to the further extension of the property as noise and disturbance would travel through the shared footing foundations and that the proposed extension would fall below Technical Housing Standards. I have no substantive evidence that would indicate that noise would transmit via the foundations or that the new bedrooms would not meet satisfactory habitable standards.
12. The land to the rear drops away at a slight gradient to where it meets the rear garden of 2 Marcellina Way. Whilst the rear and side extensions would be visible to the occupiers of this property, the degree of separation with this property would ensure no harm to living conditions would take place.
13. Although I observed vehicles parked in the local streets, no parking restrictions are in place and the appeal property includes an area of parking to the site frontage. As such, considered overall, there is nothing before me that leads me to consider that the removal of the existing garage parking provision would have a harmful effect on highway safety or would place significant pressure upon available on-street parking in the area.
14. Concerns have been raised that the extension of the dwelling as proposed would prevent access to neighbouring property for maintenance purposes. However, the evidence provided in this respect is relatively limited and does not adequately demonstrate that this matter could not be properly dealt with under legislation dealing with private legal rights concerning landownership. Accordingly, this issue does not represent a compelling reason to find against the scheme.
15. My attention has been drawn to a number of other developments nearby, including the 'step in' required for the rear extension at No 9. However, I do not have full details of all these other schemes or the background to those decisions. I have considered the appeal scheme on its merits and in light of all representations made. For the reasons given above I have found that the proposal would be acceptable and none of these other developments would lead me to alter these findings.

Conditions

16. I have considered the planning conditions suggested by the Council in light of the tests in paragraph 206 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. A condition relating to matching materials is appropriate in the interests of the character and appearance of the area. The Council has also suggested a condition requiring a parking and turning area to be provided. I do not, however, find it necessary to regulate such provision, as there is no evidence that would suggest that highway safety would be compromised or that inconvenience to highway users would occur.

Conclusions

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

Nicola Davies

INSPECTOR