

Appeal Decision

Site visit made on 2 November 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/G5180/W/16/3155656

2 Lyne Gardens, Main Road, Biggin Hill, Kent TN16 3BF

- 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 Robert Godley against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01141/FULL6, dated 29 February 2016, was refused by notice dated 3 May 2016.
 - The development proposed is single storey extension and conversion of detached garage into habitable rooms.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extension and conversion of detached garage into habitable rooms at 2 Lyne Gardens, Main Road, Biggin Hill, Kent TN16 3BF in accordance with the terms of the application, Ref DC/16/01141/FULL6, dated 29 February 2016, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) Surface water from private land shall not discharge on to the highway. Development shall not commence until details of a drainage system for surface water drainage, to prevent the discharge of surface water from private land on to the highway, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the drainage system has been completed in accordance with the approved details, and it shall be retained as such thereafter.
 - iii) The additional accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Lyne Gardens.
 - iv) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale location plan, 1:500 scale proposed block plan, 2952/3 and 2952/4.

Main Issues

2. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the surrounding area;
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- ii) the effect of the proposed development on the living conditions of the occupiers of Nos 1 and 2 Lyne Gardens, and whether it would provide acceptable living conditions for future occupiers of the development, with regard to privacy, noise and disturbance; and the effect on residential amenity in respect of parking provision.

Reasons

Background

3. The proposal relates to the detached double garage positioned in front of the associated semi-detached bungalow of No 2 Lyne Gardens, in a backland location surrounded by residential properties. Private access to the site is shared with the other bungalow, No 1, which also has a detached double garage in front of it but closer to the dwelling.
4. Under planning permission Ref 04/01045 for the original bungalows, a condition was imposed to ensure the retention of the existing garage for such use with vehicular access maintained to it, so as to maintain adequate parking provision and to avoid parking that would be inconvenient to other road users and be detrimental to road safety. Whilst I note that condition, I have determined this appeal on its planning merits based on all of the evidence before me.

Character and appearance

5. The proposed extension, external alterations and fenestration relating to the proposed conversion would clearly show it to be habitable accommodation. However, the building concerned is positioned within the close confines of No 1's garage, adjacent boundary screen fencing and an outbuilding of the property to the west of No 2. In that context, the changes would be unlikely to be widely conspicuous to an extent that, even with the modest extension, it would appear as an incongruous, jarring or cramped feature whether as a separate dwelling or as an annexe.
6. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. As such, it would accord with policies BE1 and H8 of the London Borough of Bromley Unitary Development Plan (the UDP) and policy 3.5 of the London Plan which together, in respect of this issue, require development to be of a high standard of design and layout, respecting the character and appearance of the host dwelling and surrounding area. It would also accord with the National Planning Policy Framework (the Framework) which in section 7 relates to requiring good design.

Living conditions

7. The proposed accommodation would be intended for use by a family member as an annexe as opposed to a separate dwelling. However, I have also had regard to the likelihood of its sustained use for that purpose and its effect, if used as a separate dwelling, on the amenities of existing surrounding residents.
8. It would have the potential to be used independently in terms of the provision for living room, bathroom, bedroom and kitchen. However, the two buildings would be close enough to make it possible for prospective occupiers to live as

part of No 2's household. Furthermore, the substantially smaller size, including only a single bedroom, compared with the main house would emphasise its subservient and ancillary nature and make it more likely that it could continue to function as such in perpetuity. Furthermore, shared pedestrian access arrangements to No 2 and the converted garage would not lend itself to separate use.

9. With the proposed development used as an annexe, its occupants would not be reliant on the existing front garden for outdoor amenity space given the availability of, and fairly easy access to, the rear of the host dwelling via a side pathway. However, that existing front garden would be the only amenity space available to residents of a separate dwelling. That would be unsatisfactory in terms of privacy for both them and the occupants of the host dwelling due to the potential for significant mutual, fairly close range and direct, overlooking. Furthermore, there would be a greater likelihood of intensification in use of that garden area if serving a separate dwelling, as opposed to an annexe with retained access to No 2's rear garden. This would be likely to cause some additional degree of noise and disturbance to the residents of both Nos 1 and 2, due to the close proximity to the front facing habitable rooms of those properties and given the existing fairly quiet character to this backland location.
10. In terms of car parking provision, there would remain space in front of the proposed accommodation for the parking of cars in parallel and tandem which in itself would be likely to provide sufficient spaces to serve two separate dwellings and avoid the need for parking on the access road or inappropriately elsewhere. However, that would be likely to result in cars from the host dwelling parking directly in front of the proposed accommodation's habitable room windows. If in use as a separate dwelling, that would have the potential for uncontrolled and unacceptable noise and disturbance to its residents, which might come from engines running or car doors slamming, or intrusion from headlights shining into the rooms concerned. In this respect a separate dwelling would be unacceptable.
11. Therefore, whilst it would be possible for the proposed accommodation to be used as a separate dwelling, this would introduce a number of unsatisfactory circumstances that would not be the case were it used as an annexe and retained as such. The differences between the two scenarios also highlight the close relationship that would be likely to be sustained between the host dwelling and an ancillary annexe. There are therefore no reasons why it could not operate as the intended annexe and not continue as such in perpetuity. Furthermore, it is the appellant's clear intention for such a use. As such, it would be reasonable to secure the accommodation as an annexe only which would overcome any concerns surrounding use as a single dwelling.
12. For the above reasons, with the inclusion of the condition referred to above, I conclude on this issue that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of Nos 1 and 2 and would provide acceptable living conditions for future occupiers of the development, with regard to privacy, noise and disturbance; and would not cause an unacceptable level of amenity to those occupiers in respect of parking provision. As such, it would accord with policies BE1 and H11 of the UDP and policy 3.5 of the London Plan which together, in respect of this issue, require development proposals to respect the amenity of occupiers of neighbouring

buildings and that of future occupants, and ensure that their environments are not harmed by, amongst other things, noise and disturbance and privacy. It would also accord with the Framework which in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

13. The proposed accommodation would be intended to enable the care of a relative by other family members, which would be a benefit to the appellant and that relative. However, I have afforded only little weight to that factor as the proposal must be considered in terms of its use in perpetuity.
14. I have considered the effect of the proposal on the outlook from No 1. However, the proposed extension would be the only substantial external addition to the building. It would only be single storey height and set away from the boundary with No 1 and behind the line of the nearest part of No 1's garage to the dwelling. It would therefore be unlikely to have an overbearing or intrusive visual effect when looking from No 1.
15. No drainage details have been submitted and I note the concern about how drainage was designed for the existing two bungalows, built with slab levels higher than the garage concerned. However, I have received no substantive evidence that a scheme could not be designed to ensure adequate drainage for the proposed converted garage. Whether or not the owner of the access road would allow the driveway to be broken into, to allow a new drainage outlet to be built, would be a matter between the parties concerned.
16. I have also had regard to any additional stress on the security provision for the private access road and on the driveway itself. Notwithstanding that the proposal would only be for an ancillary annexe as opposed to a separate dwelling, I consider it unlikely that the addition of the proposed accommodation would generate sufficient additional activity as to materially affect the security system's operation or the quality of the driveway.

Conditions

17. The Council has suggested five conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended some of the wording, added one and omitted two. The standard time condition is required in this case and in addition to those suggested conditions, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required.
18. It would be necessary to secure details of surface water drainage from the proposed development in the interests of preventing localised flooding and a potential highway safety hazard if discharged on to the highway.
19. A condition to ensure that the accommodation remains ancillary to the main dwelling at No 2, as opposed to a separate dwelling, would be necessary. As previously referred to, this would be in the interests of the living conditions and amenities of the occupants of the existing dwellings at Nos 1 and 2 as well as of the future occupiers of the proposed development.

20. In respect of storage of refuse and recyclable materials, I have had regard to the situation whereby the accommodation would be ancillary to the main dwelling at No 2, and only adding an additional bedroom. It would therefore be unlikely to materially increase the demand for refuse and recyclables storage. A condition to secure details of such provision would therefore not be reasonable or necessary.
21. The ancillary nature of the proposal would also be unlikely to generate significant additional movements to and from the site in terms of the need for additional provision for lighting of the access to that accommodation. The suggested condition to secure details of such lighting would therefore also be unreasonable and unnecessary.

Conclusion

22. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR