



Appeal Decision

Site visit made on 22 November 2016

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 20 December 2016

Appeal Ref: APP/G5180/D/16/3157986

49 Southborough Road, Bickley, Bromley, Kent, BR1 2EL.

- 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 Carl Hazeldine against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01898/FULL6, dated 14 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed is for ground floor rear and side extensions, first floor rear extension, roof conversion, alterations and extensions.
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Decision

1. The appeal is allowed and planning permission is granted for ground floor rear and side extensions, first floor rear extension, roof conversion, alterations and extensions at 49 Southborough Road, Bickley, Bromley, Kent, BR1 2EL in accordance with the terms of the application, Ref DC/16/01898/FULL6, dated 14 April 2016, and the plans submitted with it, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings numbered: PB654/140/A, 141/A, 142/A and 002/A.
 - 4) Access to the flat roof over the single storey extension hereby approved shall be for maintenance purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the neighbouring residential occupiers, in terms of its potential to appear overbearing and impact on outlook.

Reasons

3. The property, 49 Southborough Road, is a large detached two-storey dwelling house with a steep pitched roof. It is located in an area characterised by mainly

detached dwellings with large rear gardens. To the north of the property is number 47, a small detached bungalow, while immediately to the south, shown to be outside the curtilage of the appeal site, is the original detached coach house.

4. The appellant proposes a single storey rear extension that would also wrap around both sides of the existing house; the roof would be flat with a pitched fascia. In addition, a first floor addition is proposed to the rear, the roof of which, along with the main roof, would be converted to provide additional habitable floorspace.
5. Given the location of the coach house to the south of number 49, the separation distance between the two properties and the overall mass and form of the existing house in relation to the coach house, I do not consider that the proposed extensions would render number 49 either significantly more overbearing or even result in such a loss of outlook, as suggested by the Council, as to cause harm to the living conditions of any future occupiers of that property.
6. Number 47 to the north is located close to the side boundary of the appeal site and, as I saw, there are two windows located in its southern elevation that may well, as indicated by the Council, serve habitable rooms. A high close-boarded fence currently forms the boundary.
7. The proposed single storey side extension would bring the built form of number 49 closer to the common boundary. Nevertheless, it would be set in about a 1.0 metre from the fence line and would not be much higher than the existing fence. Given the existing relationship of number 49 to the neighbouring bungalow and the scale of the existing house to that bungalow, I am not persuaded that the small increase in height of the single storey extension, when compared to the height of the existing boundary fence, would result in number 49, when extended, appearing either so significantly more overbearing or resulting in such a loss of outlook as to cause harm to the occupiers' living conditions.
8. The proposed first floor extension would project about 6.0 metres or so from the rear wall of the existing house but would be splayed so that its visual impact, when viewed from the garden of number 47, would be reduced to a side projection of only about 3.5 metres or so. Further, the proposed roof over would slope back away from the eaves line on each of the extension's facets. Accordingly, I do not consider that the first floor extension would be either so overbearing or result in such a loss of outlook as to cause harm to residential living conditions.
9. Third parties have raised concerns about the future use of the large flat roof area that is shown accessed from the new first floor room identified as Bedroom 01. I agree that there is the potential for this area to be utilised for sitting out, if not, given its size, even providing additional recreation space. If it were to be used in this way I consider that it would result in overlooking leading to a loss of privacy and a general increase in noise and general disturbance. Accordingly, if I were minded to allow this appeal, a suitably worded condition to restrict the use of the flat roof area to maintenance or emergency purposes

only would, in my opinion, be appropriate to avoid harm to the residential living conditions of neighbouring occupiers.

10. Concerns have also been raised about the potential for overlooking and loss of privacy from the new first floor window in the north elevation. This window, which is indicated to be glazed with frosted glass, would serve an en-suite bathroom. Accordingly, I do not consider this window would lead to overlooking and a loss of privacy for the occupier of number 47 Southborough Road.

11. I therefore conclude in respect of the main issue that, subject to the imposition of a condition in respect of the future use of the flat roof, the proposed extensions would not result in overlooking leading to a loss of privacy, a general increase in noise and general disturbance or appear either so overbearing or be so detrimental to outlook as to cause significant further harm to the living conditions of current or future neighbouring residential occupiers. The proposal would therefore accord with Policies H8 and BE1 of the London Borough of Bromley Unitary Development Plan (UDP) (Adopted July 2006) as they relate to the protection of residential amenity.

Conditions

12. The conditions follow from those suggested by the Council. To ensure a high quality development, I have included a condition about the materials to be used in the construction of the external surfaces of the extension. In addition, to protect neighbours' living conditions, I shall restrict the use of the flat roof to maintenance or emergency purposes only.

13. In the interests of certainty, I shall also impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is in accordance with the development plan, when read as a whole, and that the appeal should be allowed.

Philip Willmer

INSPECTOR