



Appeal Decision

Site visit made on 12 December 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 5th January 2017

Appeal Ref: APP/G5180/D/16/3158922
26 Crescent Road, Bromley BR1 3PW

- 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 Mrs Katharine Lewis against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01505/FULL6, dated 23 March 2016, was refused by notice dated 1 July 2016.
 - The development proposed is described as 'demolition of existing ground and 1st floor rear and construction of proposed ground floor kitchen extension, 1st floor en-suite and bedroom and internal alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host property and area; and
 - The effect of the proposal on the living conditions of existing occupiers of the host property and adjacent occupiers with specific reference to privacy and outlook.

Reasons

Character and appearance

3. The appeal property is a semi-detached dwelling situated on Crescent Road. The area is predominantly residential characterised by two storey semi-detached properties. Whilst there are a range of architectural styles there is a consistency in terms of layout with a consistent set-back from the road with small enclosed gardens to the front and large gardens to the rear.
 4. The property itself retains many of its traditional features including bays to ground and first floor, gable feature to the front, sliding sash windows and decorative cornicing. The rear elevation has been altered including a large dormer window, small flat roof rear extension and casement windows. A Certificate of Lawfulness for a Proposed Development was granted for a rear dormer extension and front roof light was granted on 23 October 2015. This does not form part of the current appeal proposal.
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5. The ground floor element of the extension would replace the existing single storey extension and extend almost the full width of the property. Taking into account the alterations which have already taken place to the rear elevation, the limited height and the long rear garden I consider that this aspect could be accommodated without detriment to the character and appearance of the host property or the area.
6. The proposed first floor extension would take the form of a cube sitting above and extending slightly beyond the ground floor extension. The appellant suggests that the high proportion of glazing would create an open, lightweight appearance which would reinforce its function as ancillary space to the main dwelling. Nonetheless, the extension would have considerable depth thus creating significant mass and bulk at the first floor level. The over-hang of the first floor would result in the extension appearing 'top-heavy' thus exacerbating the dominant nature of the proposal. In addition, the flat roof would extend some distance from the eaves to the rear elevation and would do little to soften the appearance of the extension. I note that the proposal would extend no further than the existing extension, however, the proposal would be two-storey as opposed to single storey and would thus have significantly greater mass and bulk. Consequently, the extension would not appear subservient to the host property.
7. Whilst there are existing horizontal casement windows on the rear elevation there is no evidence before me as to when these were installed and they would, in any event, be removed as part of the appeal proposal. Whilst there may be scope for a modern design solution, I consider that the cube shaped first floor extension would lack any visual references to the host property thus appearing as an after-thought rather than as part of the overall design concept. Consequently, I consider that the resultant extended property would lack a coherent architectural identity.
8. Moreover, due to the relatively high level of inter-visibility between the rear gardens the proposal would be highly visible to neighbouring occupiers. Indeed due to the spacing between properties and notwithstanding the side extension to the adjacent property there would be some, albeit limited, views of the flank elevation of the first floor extension from the road. Taking these factors in combination I consider that the proposed first floor element of the extension would dominate the host property and appear as an incongruous and uncharacteristic addition.
9. Attention is drawn to the side/rear extension at number 28 Crescent Road, however, I note that the extension is of limited depth beyond the rear elevation and also has a sloping roof which reduces the visual impact of the extension. The appellant also draws attention to other rear extensions in the area; however, no details of those are provided and I cannot be certain that they benefit from planning permission. Whilst I only had limited views of the two storey rear extension at number 32 Crescent Road I consider that the design better reflects the character of the original property. These cases are not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision. Whilst I am aware of the dormer extension referred to above it does not form part of the appeal proposal which I have, in any event, considered on its own merits.
10. Attention is drawn to a property, referred to as Beckett House which has a similar extension to the current appeal proposal. Very limited details are provided of this case; however, I note that the first floor extension appears to have a more limited

depth than the appeal proposal and is also set back from the rear elevation of the ground floor extension. Furthermore, it is set within the junction of the main rear elevation and the two-storey projection of the property thereby reducing its visual impact. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which can be attached to it in my Decision.

11. Attention is drawn to Paragraph 60 of the National Planning Policy Framework (the Framework) which states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It goes on to say, however, that it is proper to seek to promote or reinforce local distinctiveness and I consider that the proposal fails to meet this objective.
12. For the reasons stated, I conclude that the proposal would harm the character and appearance of the host property and surrounding area. The proposal is, therefore, contrary to criterion (i) and (ii) of Policy BE1 of the Council's Unitary Development Plan (UDP) (2006) which expects development proposals to be of a high standard of design and layout, be imaginative and attractive to look and complement the scale, form, layout and materials of adjacent buildings and areas.
13. Furthermore, conflict arises with criterion (i) Policy H8 of the UDP which requires the scale, form and materials of alterations or enlargement of residential properties to respect or complement those of the host dwelling and be compatible with development in the surrounding area. Moreover, conflict arises with paragraph 60 of the Framework.

Living conditions

14. The Council are concerned that the proposal would result in an overbearing and un-neighbourly form of development. The plans include a 45 degree annotation which demonstrates that proposal would meet the '45 degree rule' and that consequently light and outlook from the property would be retained.
15. I noted on my site visit that No 28 is set at a slight angle, facing away from the appeal property. There is also a reasonable gap between the flank elevations of the properties. Whilst occupiers of No 28 would be aware of the extension they would, nevertheless, retain a clear view of their own garden and beyond the extension to the garden of No 26. Furthermore, the rear elevations of the properties face south and thus loss of sunlight to the windows and garden of No 28 would be minimal. Consequently, I consider that there would not be a material loss of light or outlook to the occupiers of No 28.
16. The proposal would include an almost floor to roof 'picture' window at a first floor level. Such windows are usually designed to enable light into a room and afford views out of the window. Consequently, this window would result in overlooking of the adjacent garden at No 28 with more oblique views of the garden of No 24. Furthermore, there would be opportunities for overlooking into the bedroom window from neighbouring gardens given the level of inter-visibility between the rear gardens. Whilst I acknowledge that there are existing windows on the rear elevation these are not floor to roof 'picture' windows.
17. I, therefore, conclude that the proposal would have a harmful effect on the living conditions of the occupiers of the host property, No 28 and No 24 in terms of privacy. The proposal would, therefore, conflict with criteria (iv) and (v) of Policy

BE1 of the UDP. Policy H8 relates to design and character and appearance and is, therefore, only relevant to the first main issue.

Other matters

18. Whilst the proposal would have some benefit for the existing occupiers in terms of providing additional living accommodation this benefit would be outweighed by the significant harm which I have identified. In any event, this benefit could be achieved by other means.

Conclusion

19. For the reasons set out above and having regard to all other matters raised I dismiss the appeal.

Caroline Mulloy

INSPECTOR