
Appeal Decision

Site visit made on 3 January 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 12 January 2017

Appeal Ref: APP/G5180/D/16/3159616

15 Balmoral Avenue, Beckenham, Kent BR3 3RD

- 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 Ozcan Kiling against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03121/FULL6, dated 28 June 2016, was refused by notice dated 12 August 2016.
 - The development proposed is detached garage and garden/play room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal varies between the application form and the subsequent documents. I have used a shortened version of the description given on the application form as it describes the proposal more succinctly.
3. The application form gives the address of the appeal site as 15 Balmoral Road. However, elsewhere it is given as 15 Balmoral Avenue, as shown on the site plan, and so I have used that address above.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the surrounding area, and on the living conditions of neighbouring occupiers, with particular reference to outlook.

Reasons

Character and appearance

5. The appeal property is an end-of terrace, two storey dwelling in an area of similar houses, backing onto the grounds of the Beckenham Rugby Football Club. At the end of the garden is a small outbuilding, which it is proposed to replace.
 6. The proposal would create an L-shaped structure with a hipped roof. Policy BE1 of the London Borough of Bromley Unitary Development Plan (UDP, July 2006) seeks, amongst other things, to ensure that development should complement the scale, form, layout and materials of adjacent buildings and areas.
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7. The existing building is low in height, and is set back from the northern boundary of the site. Whilst it is just visible above the fence, it is an unobtrusive presence when viewed from the road which approaches the Rugby Club. On my site visit, I observed that a number of neighbouring properties have ancillary buildings of comparable dimensions, some of which are set at an angle to the rear lane.
8. By contrast, the new structure would be significantly greater in size. At around 8m wide, it would largely fill the width of the plot. The south elevation would be approximately 10.6m in depth, which would be considerably deeper than the existing outbuilding. The submitted plans show that the development would rise significantly above the height of the existing fence, and at a maximum height of approximately 3.9m, it would be clearly visible from the road. The pattern of development in the area is characterised by smaller, much less visually intrusive outbuildings. The proposal would result in a significant increase in the scale and massing in comparison to the existing ancillary building and others in the vicinity, and so would be out of keeping in its established context.
9. My attention has been drawn to the presence of a double garage at 13 Balmoral Avenue. Whilst I saw that this structure is larger than a number of other outbuildings in the area, a relatively small portion of it is visible above the level of the boundary fence. It also keeps in with the fence in terms of materials and general appearance, and so does not appear at odds with its surroundings.
10. The appellant states that the new garage would be approximately the same height as the adjacent Rugby Club building. However, the Rugby Club is a much bigger structure of a non-domestic character. I did not see any other ancillary buildings of a similar height to the Rugby Club in the vicinity, and so this circumstance has not led me to a different conclusion on this issue.
11. I conclude that the proposal would unacceptably harm the character and appearance of the surrounding area. It would therefore conflict with the relevant provisions of UDP Policy BE1, and would further conflict with UDP Policy H8, which amongst other things, requires proposals to be compatible with development in the surrounding area.

Living conditions

12. The Council has also raised concerns regarding the loss of outlook from neighbouring properties. At the time of my visit, it was not possible to gain entry to any neighbouring properties to assess the likely impact of the proposal on living conditions. The closest neighbouring property is 17 Balmoral Avenue, which lies immediately to the south of the appeal site. However, there is little detailed evidence before me to show the degree to which any habitable rooms or outdoor space at the rear of No 17 would be affected. To the north, the separation distance between the appeal site and the nearest neighbouring dwelling at 13 Balmoral Avenue would be such that there would be no significant impact on living conditions.
13. There is not enough evidence before me to reach a firm conclusion on whether or not the living conditions of neighbours would be harmed. However, this issue is not determinative, as I have found the proposal to be unacceptably

harmful to the character and appearance of the surrounding area, for the reasons given above.

Conclusion

14. Despite the fact that I have been unable to reach a conclusion with regard to the effect of the proposal on the living conditions of neighbours, I have found that it would unacceptably harm the character and appearance of the surrounding area. Therefore, taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR