

Appeal Decision

Site visit made on 4 January 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 30 January 2017

Appeal Ref: APP/G5180/W/16/3159897
147 Masons Hill, Bromley BR2 9HW

- 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 Musa Mehmet against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01824/FULL1, dated 15 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is a three storey rear extension to enlarge the shop on ground floor level and create an additional 2 bedroom, 4 person maisonette on first and second floor levels.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect the proposal would have on the character and appearance of the area and on the living conditions of adjoining occupiers, with particular regard to their privacy.

Reasons

Character and appearance

3. The proposed extension would be to the rear of a substantial property whose frontage is set back from Masons Hill by deep single storey commercial unit. There is an existing two storey extension to the rear whose ridge joins the host building just above eaves level. The immediate vicinity is characterised by a mixture of commercial and residential uses. Extensions, offshoots and ancillary buildings set to the rear of principal buildings in this area are largely subservient in height and design to their host properties.
 4. The proposed extension would extend farther into the narrow rear yard area, extend the existing first floor accommodation and add a second floor. This top floor element would be enclosed within a mansard roof arrangement albeit with steeper lower roof slopes and much shallower upper roof slopes than those on the host building's mansard roof.
 5. Although set back from it, the proposal would be clearly visible from Napier Road through a large gap between the rear of 145 Masons Hill and 43 & 43A Napier Road, a detached building beyond, within which it would appear as a prominent element as a result of its height and design. The height, steeply
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sloping mansard roof configuration of the top floor and the length it would project from the rear of No 147 would mean that it would not appear as a subservient element in relation to the host building. Although the ridge would be set lower than that of No 147, the overall considerable scale, mass and form of the extension would create a building which would appear overly large within its context and the established character of the area.

6. Whilst site's other immediate neighbour, 149 Masons Hill, is partly offset from No 147 and has higher eaves, it only extends beyond the rear of No 147 by a limited amount and its rear extension is a similar height to the existing arrangement on the appeal site. Although Nos 43 & 43A have a second floor element contained within a steep sided mansard arrangement, this taller element is set farther away from Masons Hill and appears as a principal frontage given its location along Napier Road. These existing features do not, therefore, create a context which would render the effect of the extension less marked.
7. The proposal would harm the area's character and appearance and fail to complement the area's qualities, the scale and form of adjacent buildings and detract from the streetscene, contrary to Policies BE1 and H7 of the London Borough of Bromley Unitary Development Plan, 2006 (UDP). This accords with the National Planning Policy Framework's (the Framework) anticipation of the rejection of poor design at paragraph 64.
8. Given the limited role the narrow rear yard itself plays in the area's character and that the proposal is linked to the host property, the extent of the proposed footprint would not undermine the aims of paragraph 4.32 supporting UDP Policy H7 in resisting backland development. However, lack of conflict with this particular aspect would not make it otherwise acceptable.

Living conditions

9. The first and second floor windows in the side elevation of the proposal would look out onto the open yard area to the rear of No 145 and the blank rear elevation of a profiled metal shed attached to Nos 43 & 43A. It has been suggested that the windows serving the corridor, landing and bathroom could be obscure glazed which, if required by way of a planning condition, would prevent any views out of the part of the extension nearest to No 145.
10. The juxtaposition of the proposed bedroom and living room windows with windows in the rear of No 145 and the bay windows in the gable of Nos 43 & 43A would mean any overlooking would be very limited and unlikely to lead to a materially harmful loss of privacy to any residential occupiers. The rear of the plot is flanked by a workshop or storage building on one side and vehicle parking on the other with a commercial building at its rear on Stanley Road. This context would mean that no overlooking of neighbouring residential occupiers would arise from the proposed gable windows and balconies.
11. The proposed extension would therefore not result in any harm to the living conditions of any occupiers of adjacent residential properties and would consequently avoid conflict with UDP Policies BE1 and H7 as well as the Framework's core planning principle of seeking a good standard of amenity for existing occupants of buildings. However, avoidance of harm in this respect does not amount to a positive consideration.

Other Matters

12. Although the appellant considers that the proposal would resolve fly-tipping in the rear yard the implementation of the appeal proposal would not be the only way to address such problems. I have considered the appellant's view that a flat without the second floor accommodation would be too small. However this would not outweigh the harm to character and appearance set out above.
13. In support of his appeal the appellant has drawn my attention to other particular redevelopment schemes within the vicinity and refers to development within Bromley more generally, including those for new flats. Notwithstanding that from the limited information provided these schemes would appear to be materially different from the rear extension proposed, I have been presented with very limited information about the circumstances of those developments and in any event I have determined the appeal on its own merits considering its particular context. These other matters do not, therefore, lead me to a different conclusion on its effect on character and appearance.

Conclusion

14. For the above reasons, and having had regard to all other matters raised, the proposal would harm the character and appearance of the area, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR