

Appeal Decision

Site visit made on 16 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 3 February 2017

Appeal Ref: APP/G5180/D/16/3161559

24 Garden Road, Bromley BR1 3LX

- 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 Steve Davies against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03268/FULL6, dated 7 July 2016, was refused by notice dated 23 August 2016.
 - The development proposed is described as consisting of a single storey first floor side extension (above existing garage), dormer extension to the rear, new pitched roof to existing first floor extension, internal remodelling, the replacement of the front door, garage doors and all existing windows, and the installation of a Juliette balcony to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension above existing garage, roof alterations to incorporate rear dormer, rooflights and roof terrace, internal and elevational alteration to incorporate Juliette balcony to the rear of the existing dwelling at 24 Garden Road, Bromley BR1 3LX, in accordance with the terms of the application Ref: DC/16/03268/FULL6, dated 7 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LP01 – Location Plan; 166 LP 03 – Proposed Site Block Plan; 165 PR 01 – Proposed Lower Floor Plans; 165 PR 02 – Proposed Upper Floor Plans; 165 PR 03 – Proposed Front Elevation; 165 PR 04 – Proposed Flank Elevation; 165 PR 05 – Proposed Rear Elevation; 165 PR 06 Proposed Flank Elevation.
 - 3) 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.
 - 4) Details of the means of privacy screening for the balconies shall be submitted to and approved in writing by the local planning authority before any work is commenced. The development shall be carried out in accordance with the approved details and permanently retained as such.
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Procedural Matter

2. The Council changed the description of the development of application ref: DC/16/03268/FULL6 to 'First floor side extension above existing garage, roof alterations to incorporate rear dormer, rooflights and roof terrace, internal and elevational alteration to incorporate Juliette balcony to the rear of the existing dwelling'. This is an accurate description of the development which I have therefore used in my decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on the living conditions of the occupants of adjacent dwellings with particular regard to noise, disturbance and privacy.

Reasons

Character and appearance

4. The appeal property comprises a two-storey, detached dwelling located on the south eastern side of Garden Road. The property has an existing attached garage that abuts the boundary with No 28 Garden Road. Above the garage is a flat roof, first floor extension that is set back approximately 4.5m from the front elevation of the dwelling and also abuts the property boundary with No 28.
5. Properties in the vicinity predominantly comprise of two-storey, detached dwellings of various design styles and construction ages and having relatively large rear gardens. On the south eastern side of the road these properties are set on a common building line with the road but have varying separation distances between the side elevations of the adjoining dwellings.
6. The proposed development would involve the replacement of the existing extension above the garage with an extension that would have a gable roof with a ridge set approximately 0.2m below the ridge of the host dwelling. This would be set back approximately 0.5m from the front elevation of the dwelling and align with the rear elevation. It would also abut the property boundary with No 28.
7. I consider that the design of the extension would be in keeping with that of the host dwelling and, in being set down from the ridge and having a set back from the front elevation, it would appear as a subservient addition to the property. I agree with the appellant that the proposed extension above the garage would be a considerable visual improvement on the existing flat roof extension which has little design relationship to the host dwelling and gives the appearance of an unbalanced front elevation. Overall, the scale mass and design of the proposed extension would be entirely acceptable in relation to both the host building and the street scene.
8. The Council's main concern is that the position of the flank wall of the proposed extension would abut the adjoining property boundary at No 28 and would therefore conflict with Saved Policy H9 of the Bromley Unitary Development

Plan (2006) (UDP). This policy, amongst other things, requires that new extensions of two or more storeys in height should normally retain a minimum 1 metre space from the side boundary of the site for the full height and length of the flank wall of the extension. The Council suggest that this is important to prevent a cramped appearance to protect the high spatial standards.

9. Although the proposed extension would be positioned on the property boundary, it would have the same relationship as the existing. The appellant indicates that there is a distance of approximately 2.2m between flank of the proposed extension and that of the property at No 28 which would be maintained. I have no evidence to suggest that the appellant's calculation of this separation distance may be incorrect.
10. The appellant has also referred to several other examples on Garden Road where there is less than 1m to respective boundaries and in several cases where there is less than 1.5m between the flank walls of adjoining properties. I observed these examples at my site visit.
11. I have taken into account the variety of separation distances to both property boundaries and between adjacent dwellings along the street; the adequate set back of the property from the road; the fact that the proposal would maintain a 2.2m gap between the flank wall of No 28 and that the extension would maintain a subservient appearance to the host dwelling. These factors lead me to find that the proposed first floor side extension would not result in the lowering of spatial standards in the locality, nor would it give the appearance of a cramped form of development.
12. The proposed development would also involve the construction of an 'L' shaped dormer to the rear of the property. The Council suggest that this element of the proposal is considered acceptable and would not cause an unacceptable impact on the character and appearance of the host dwelling or this surrounding area. I have no reasons to disagree with this view.
13. Taking into account the above factors, I conclude that the proposal would not cause any unacceptable harm to the character and appearance of the surrounding area. Although the requirements of Saved Policy H9 of the UDP are not fully met in terms of the separation distance to the property boundary, taking into account the fact that the first floor extension would have the same relationship with No 28 as the existing extension, I do not consider that this proposal materially conflicts with the overall objectives of Policy H9 that seeks to maintain spatial standards.

Living conditions

14. The proposal also includes a rear roof terrace at second floor level which would be positioned over the existing flat roof of a two storey extension to the rear of the dwelling and would be accessed via the proposed rear dormer. The Council is concerned that the proposed roof terrace would cause elevated noise and disturbance to nearby properties and introduce the potential for overlooking.
15. The proposed roof terrace would be shielded by the existing pitched roof of the dwelling to the north west side, by the proposed pitch roof of the first floor side extension to the north east and by the proposed dormer to the south west. As such, views of the windows of neighbouring properties would not be possible. The main outlook from the proposed terrace would be over the rear garden of

the appeal property and towards the rear gardens of properties on Edward Road, some considerable distance away.

16. Whilst the roof terrace would offer the opportunity of some overlooking of the adjacent gardens at Nos 28 and 22, this would be no different from the overlooking that is currently obtainable from the rear first floor windows of the appeal property. At my site visit I observed that several other properties on this side of Garden Road have roof terraces and in particular the nearby property at No 20 has such terraces at first floor level with a balcony at second floor.
17. Whilst there would be some overlooking of the rear gardens of adjacent properties, given the existence of other rear terraces in the locality and that the views from the proposed terrace would be little different to those from the existing rear windows of the property, I do not consider that there would be any loss of privacy of an extent to warrant the dismissal of this appeal on those grounds alone.
18. Whilst the use of the terrace has the potential to create some degree of noise, I do not consider that this would be any different to the use of the existing rear garden. Moreover, to some extent, any noise would be shielded by the existing and proposed roof form. Consequently, I do not consider that the proposed development would likely to give rise to any demonstrable noise or disturbance that would cause harm to the living conditions of the occupants of adjacent dwellings beyond that which could already occur from the use of the property and its gardens.
19. Taking the above factors into account, I conclude that the proposed development would not cause any demonstrable harm to the living conditions of the occupants of adjacent dwellings. Consequently, there would be no conflict with Saved Policy BE1 of the UDP. This policy, amongst other things, requires that new development should respect the amenity of occupiers of neighbouring buildings and ensure their environments are not harmed by noise and disturbance or by inadequate privacy.
20. Although the Council also suggest that the proposed roof terrace would be contrary to Saved Policy H8 of the UDP, this policy appears to relate to the design of residential extensions and does not specifically refer to the effect of development on the living conditions of the occupants of neighbouring properties. I have no evidence to suggest that the proposed roof terrace would cause any harm to the character and appearance of the area, nor do I find that any such harm would be caused. Consequently, I have attached little weight to the provisions of Saved Policy H8 in the determination of this appeal with regard to the effect of the proposed development on the living conditions of the occupants of adjacent dwellings.

Conditions

21. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used and I also agree with the Council that a condition requiring details of the design and materials of the proposed balconies is necessary.

Conclusion

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

Stephen Normington

INSPECTOR