

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: 6 February 2017

Appeal Ref: APP/G5180/W/16/3163142
42 Palace Grove, Bromley BR1 3HB

- 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 R Walker against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03873/FULL1, dated 16 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is described as Part one/two storey rear extension and conversion of building to provide 1 x four bedroom flat and 2 x 2 bedroom flats with associated car parking provision and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of application Ref: DC/16/03873/FULL1 to 'Part one/two storey rear extension, two storey side extension together with conversion of building to provide 1 four bedroom flat, 2 x two bedroom flats with associated car parking provision, refuse storage and landscaping'. This is an accurate description of the proposal which I have used in the determination of the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - Whether the proposed development would provide satisfactory living accommodation for the future occupiers of the flats with particular regard to layout and outlook.
 - The effect of the proposed development on the living conditions of the occupants of adjacent properties with particular regard to outlook and privacy.
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Reasons

Character and appearance

4. The appeal property comprises a two storey detached Victorian Villa having an existing rear two storey outrigger wing and a relatively long rear garden that abuts the rear garden of properties on Palace Road. It is located on Palace Grove which is predominantly a residential street comprising of semi-detached dwellings, several of which have had substantial rear extensions and have been converted to flats. There are several small apartment blocks on the street with the Palace Court apartments located close to the northern boundary of the appeal site. Properties in the vicinity are of varying design styles and construction ages. Although there is no predominant consistency in the design character of properties in the locality, they do have a common building line with the road.
5. The proposed development would involve the construction of a two storey hipped roof extension to the side of the dwelling. This would be approximately 1.85m wide and set back from the front elevation of the dwelling by approximately 1.5m and set in from the property boundary with Nos 7 and 8 Palace Court by approximately 1m. The ridge of the proposed roof of this extension would be set lower than the ridge of the host dwelling.
6. I consider that the design of this part 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. Overall, the scale mass and design of the proposed side extension would be entirely acceptable in relation to both the host building and the street scene.
7. The proposal also includes the construction of a part one storey and part two storey extension to the side and rear of the outrigger wing. The proposed development would result in the formation of a small courtyard area located between the existing rear main elevation of the dwelling, the side of the outrigger and the front of the proposed extension.
8. The proposed extension to the outrigger would undoubtedly be a significant addition to the property. Its footprint alone would be similar in size to that of the existing property. I observed at my site visit that several properties in the vicinity of the appeal site also have substantial rear extensions. However, at the sites I observed, these extensions appeared to be more linear additions to the rear elevations and outriggers and the gap between these and the property boundary was greater than in the appeal case.
9. The proposed outrigger extension would not be readily visible in views from the street. In finding above that the side extension would be acceptable, I consider the proposed extensions would not cause any unacceptable harm to the character and appearance of the Palace Grove street scene. However, whilst views of the proposed outrigger extension would be limited to those from the rear of nearby properties, the urban grain and pattern of development at the rear of properties also contributes to the character and appearance of an area.
10. In this case, the proposed side and rear extension to the outrigger would result in a bulky, disproportionate addition to the existing dwelling. In being more

rectangular in design, its mass would erode the shape of the outrigger and in doing so would appear as an overly dominant addition to the property that fails to have sufficient regard to the scale, form and appearance of the host building. In contrast to other extensions in the locality it would be a more bulky addition, positioned closer to the boundary. In my view, it would be overly dominant in relation to the existing property that would markedly contrast with the design and scale of other nearby rear extensions and consequently appear prominent in views from the rear of nearby properties.

11. Although the proposed extensions would maintain a 1m gap with the adjacent property boundary, I consider that the scale and mass of the combined extensions proposed in such close proximity to the boundary would erode the spatial character of the area.
12. I accept that the site and host property is capable of accommodating a substantial extension. However, I consider that the combined scale and mass of the extensions proposed and in particular design of the proposed extension to the outrigger would cause significant harm to the character and appearance of the area. As such, the proposed development would be contrary to Saved Policies BE1 and H8 of the Bromley Unitary Development Plan (2006) (UDP) and Policies 7.4 and 7.6 of the London Plan. These policies, amongst other things, require extensions to be of a high quality design that complement the scale, form and layout of the host dwelling and adjacent buildings and areas and should respect the space and gaps between buildings where these contribute to the character of the area.

Living conditions – occupants of proposed flats

13. The Council accept that the floor space provision for each of the proposed units would meet the requirements of the minimum space standards for new dwellings as set out in Policy 3.5 of the London Plan. However, the Council considers that Flat 1 would have a contrived layout with the windows of bedrooms 2 and 3 and those of bedroom 2 of Flat 2 having an outlook onto the proposed enclosed courtyard space.
14. These bedroom windows form part of the existing dwelling and currently have a relatively un-obscured and open outlook that receives adequate light. As a consequence of the proposed extensions, the outlook from these windows would be significantly compromised and as such the direct outlook from bedroom 2 of Flat 1 would be towards the eastern elevation of the proposed rear extension to the outrigger. This elevation would also compromise the oblique outlook from the windows in bedroom 3 of Flat 1 and bedroom 2 of Flat 2.
15. The outlook from these windows would be enclosed by the three-walled courtyard that would be created as a consequence of the extension. A further sense of enclosure would be caused as a result of their position close to the flank of Nos 7 and 8 Palace Court. I consider that the poor outlook, sense of enclosure and reduction in light that would be received at these windows would contribute to an oppressive living environment in the bedrooms that would unacceptably harm the living conditions of the future occupants of these flats.
16. I agree with the appellant that there is no evidence to support the Council's view that the layout of Flat 1 is contrived. Notwithstanding my above views regarding the bedroom windows, in my view the internal layout of Flat 1 is

adequate and functional and I can see reason as to why this may be considered as being contrived.

17. The revised plan showing the insertion of a rooflight on the rear roofslope to serve bedroom 2 of Flat 3, suggested as a minor amendment to the scheme, has minimal, if any impact, on the character and appearance of the area. I agree with the appellant that this minor revision is a matter that I can take into account were I minded allow this appeal. I consider that the insertion of this rooflight would ensure that this bedroom receives adequate light.
18. Although the proposal would meet the minimum floorspace requirements and that the layout of the Flats would not be contrived, the design of the rear extension to the outrigger would unacceptably compromise the outlook and light received at the windows of bedrooms 2 and 3 of Flat 1 and bedroom 2 of Flat 2 of an extent that would unacceptably harm the living conditions of the future occupants of these flats. Consequently, the proposed development would conflict with Saved Policies BE1 and H7 of the UDP. These policies, amongst other things, require that new development should be of a high quality layout that respects the amenity of future occupants and ensures that their environment is not harmed by inadequate daylight, sunlight or overshadowing.
19. The Council also suggest that the extended property would fail to provide adequate living space and as such would be contrary to Policy 3.5 of the London Plan. However, the evidence provided in this appeal confirms that the minimum floorspace requirements, as prescribed in this policy, are met. In addition, have found that the proposed internal layout of the flats would not be contrived. Consequently, there would be no conflict with this policy.

Living conditions – occupants of adjacent properties

20. The windows that would face the flank wall of Palace Court are existing bedroom and living room windows. The extent of overlooking from these windows would be unchanged as a consequence of the proposed development. The submitted plans clearly show that windows in the proposed north elevation of the outrigger extension would be obscurely glazed. The proposed windows in the first floor of the rear outrigger extension do not have direct views of the windows in Palace Court. The proposed ground floor window would have a view towards the rear garden with a substantial intervening fence located on the property boundary.
21. Consequently, I do not consider that the proposed development would result in any increased overlooking beyond that which is already attainable from the existing dwelling. As such, the proposed development would not cause any unacceptable harm to the living conditions of the occupants of Nos 7 and 8 Palace Court. Therefore, there would be no conflict with Saved Policies BE1 and H7 of the UDP or Policy 7.6 of the London Plan. These policies, amongst other things, require that new development should be of a high quality layout that does not cause harm to the amenity of the occupants of neighbouring buildings in relation to privacy.

Other matters

22. The National Planning Policy Framework (the Framework) states that if a five year supply of housing cannot be demonstrated, the Council's policies for the

supply of housing are out of date and proposals should be considered in the context of the presumption in favour of sustainable development. The Council indicate that it can now demonstrate a five year supply of housing and a report agreed by the Development Control Committee on 24 November 2016 informs the Proposed Submission Draft Local Plan (November 2016) that was subject to consultation until the end of 2016. However, the appellant indicates that the Council's position has been heavily challenged through the consultation on the emerging Local Plan and considers that the Council cannot currently demonstrate a five year supply of deliverable housing sites. As such, the appellant suggests that policies that are relevant to the supply of housing in the UDP are not up to date.

23. I agree with the appellant that the five year supply has not been subject to any examination and, in the light of the alleged challenges through the consultation stage, there remains some doubt as to whether a five year supply can be conclusively demonstrated. However, even if I were to accept that the Council does not have a five year supply, this would not inevitably lead to the appeal being allowed.
24. If it is assumed that the Council does not have a five year supply, the additional residential units that would be created does carry moderate weight in favour of the proposal. However, I consider that the adverse impacts that would result to the character and appearance of the area and to the occupants of the proposed flats would significantly and demonstrably outweigh the benefit of two new units (net) of residential accommodation.

Conclusion

25. Although I have found that the proposed development would not cause demonstrable harm to the living conditions of the occupants of neighbouring properties, the design of the extensions, and in particular the extension to the rear outrigger would cause unacceptable harm to the character and appearance of the area and harm the living conditions of the occupants of Flats 1 and 2. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR