

Appeal Decision

Site visit made on 1 February 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 7th February 2017

Appeal Ref: APP/G5180/D/16/3164664

18 Julian Road, Orpington, BR6 6HU.

- 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 Kshitij Anand against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04501/FULL6, dated 27 September 2016, was refused by notice dated 18 November 2016.
 - The development proposed is described as increase in roof height and rooflights to all elevations to create habitable accommodation in roof, with inset terrace, part one/two storey side/rear extension with balconies to first floor rear, creation of basement with raised terrace over.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the scheme on the living conditions of the occupiers of 20 Julian Road (No.20) with particular regard to visual impact, privacy, daylight and sunlight.

Reasons

3. The Appeal property currently comprises a chalet style family sized dwelling with a hipped roof that features cat-slides and half hips. To the north is a chalet style dwelling with half hip roofs, which sits at a lower level to the Appeal property. To the south is a taller chalet style dwelling with a wide dual pitched roof. To the rear the large rear gardens to all three properties fall away steeply to the east.
 4. Amongst other things, policies BE1 and H8 of the London Borough of Bromley Unitary Development Plan 2006 (UDP), seek to ensure that new development is compatible with development in the surrounding area and respects the living conditions of the occupiers of adjacent dwellings. The National Planning Policy Framework (NPPF), similarly seeks a good standard of amenity for all existing residents and improvements in the conditions in which people live.
 5. With the proposal the resultant dwelling, above ground floor slab level, would extend beyond the adjacent rear facing wall of the dwelling at No.20 by in
-

excess of seven metres. This depth would continue to height of some 4.5 metres, including the proposed balcony screen. To be effective the balcony screen would need to provide a visual barrier and thus would add to the perceived mass of the resultant dwelling. Above the balcony screen the upper side wall of the resultant dwelling would project in excess of five metres beyond the adjacent rear elevation of the dwelling at No.20.

6. As a consequence the flank wall and balcony screen would be prominent in views from the adjacent windows at No.20 and from its rear patio area. It would be perceived as filling the existing gap above the boundary fence between the existing flank wall of the Appeal dwelling and the large evergreen tree several metres to the east of it. The situation would be exacerbated by the fact that the dwelling at No.20 sits at a lower level to the Appeal dwelling. Also, due to the orientation between the extension and the patio at No.20, the scheme would result in some loss of sunlight within the patio area.
7. For these reasons the proposed extension would have a visually enclosing and overbearing impact on the outlook from the adjacent windows at No.20 and its patio area. This harm would materially outweigh the benefits for the Appellant and their family which would result from the scheme and it is not a matter that could be satisfactorily dealt with by additional soft landscaping or conditions.
8. It is noted that a previous scheme was dismissed at Appeal for similar reasons. It is acknowledged that above ground floor level the current scheme is materially smaller, however, due to the combined height and depth of the proposed rear addition, the scheme fails to satisfactorily address the concerns previously raised.
9. Finally, the Appellant has referred to various large rear extensions in the locality and a large replacement dwelling at 19 Julian Road. These developments clearly demonstrate the acceptability, in principle, of large extensions and replacement dwellings. However, none of the examples referred to are directly comparable to the relationship between the proposed resultant dwelling and the existing dwelling at No.20 in terms of levels, proximity, depths, heights and/or orientation. Rather than set a precedent they highlight the need to assess each proposal on its individual merits and in light of the prevailing planning policies.
10. I conclude that the proposal would unacceptably harm the living conditions of the occupiers of No.20 due to its visually overbearing impact. The scheme would therefore conflict with policies BE1 & H8 of the UDP and the NPPF.

Other matters

11. Julian Road is characterised by a diverse mixture of single, chalet and two storey dwellings occupying generous sized plots. The sloping topography, often generous gaps between dwellings and abundance of trees and shrubs within the front and rear gardens all contribute to the spacious, informal and verdant character and appearance of the road.
12. With the proposal the changes to the front elevation of the property would be to increase its height, reduce the length of the ridge line, to introduce a crown roof and to insert three roof-lights. The submitted street view shows that the resultant dwelling would remain lower than the dwelling to the south, although

materially taller than the dwelling to the north. This height difference would not be out of place within the street scene and due to the existence of a gap between the two dwellings, together with the hipped nature of the proposed roof, the relationship between the two dwellings would not appear cramped. Also, having regard to the diverse range of building and roof styles within the road the crown roof and increased depth of the dwelling would be readily assimilated into the street scene.

13. The rear elevations of the dwellings within the immediate area are similarly diverse. The proposed rear elevation would be contemporary, tall and include large expanses of glazing and would thus add to the diverse range of building styles in the immediate area.
14. Finally, for the purposes of this Appeal and in the absence of any site survey levels, the relative site levels shown on the street scene elevation and the proposed north elevation have been used to assess the merits and impacts of the proposed scheme.

Conclusion

15. Whilst I have found in favour of the Appellant on some points the conclusion on the main issue represents a compelling reason for dismissing this Appeal.

Elizabeth Lawrence

INSPECTOR