
Appeal Decision

Site visit made on 21 February 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/G5180/D/16/3168110

Park View, 13 Hayes Way, Park Langley, Beckenham Kent BR3 6RJ

- 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 Paul Algeo against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04321/FULL6, dated 12 September 2016, was refused by notice dated 8 November 2016.
 - The development is single storey side and rear extensions to domestic dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is (a) whether the proposal would preserve or enhance the character or appearance of the Park Langley Conservation Area and (b) the living conditions of the occupiers of a neighbouring property having regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises a detached two storey dwelling which has forward and rear projecting built wings. It is a large building with steep pitched roofs with tile hanging on the upper floors and rendered ground floor external finishes. Together with large window openings and prominent chimneys, the size and design of the dwelling gives the building a dominating presence within the street. Additionally, there is flat roofed garage attached to the side of the building. The property lies within the Park Langley Conservation Area.
 4. The Conservation Area consists of similar large suburban dwellings which are set back from the road with car parking and driveways generally set with landscaped frontages. Roads have pavements with established landscaping within roadside verging. Although there is a variation in designs, the size of original dwellings are large with steep pitched roofs and at first floor, they are articulated with bay windows, projecting wings and gables with a variety of materials contrasting with ground floors. Like the appeal dwelling, they impose themselves within the street scene by reason of their size and design. Together with their frontage set-backs and established landscaping, these qualities are of significance and value, and of special interest of the Conservation Area.
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5. The proposal would result in a rear extension infilling the gap between the two rearward projecting wings as well as an extension behind the existing garage. The Council has previously granted planning permission for similar extensions which the Appellant has started work upon on site. In comparison with this permission, there would be a minimal increase in the depth of the extension behind the garage but there would be an increase in the size and ridge height of the pitched roof above the garage. In height, the roof would be high and would reach the upper parts of the flank windows of the dwelling. It would also be more steeply pitched than the roofs of the dwelling including its projecting wings. Clay tiles to match the existing dwelling would be used but this would not change the awkward proportions of the garage by reason of its roof height and pitch angle. Consequently, it would adversely detract from the attractiveness of the building and the Conservation Area.
6. The proposal would repair an existing roof and the enlarged garage would assist in storing vintage cars and provide space to allow for their maintenance and repair. However, I am not persuaded that the proposal, as designed, is essential and the only way of satisfying these requirements. In this regard, works of repair can be undertaken without need for planning permission. Furthermore personal circumstances will seldom outweigh the more general planning considerations as works of a permanent nature will remain long after the personal circumstances have ceased to be material.
7. The lack of objection from neighbours or from the Advisory Panel of Conservation Areas cannot be relied upon to deem a development acceptable. Planning is concerned with ensuring that heritage assets can be enjoyed by both present and future generations for their contribution to quality of life, and works of this nature are of a permanent long term nature.
8. In terms of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm. Paragraph 134 of the Framework states where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as a Conservation Area), this harm should be weighed against the public benefits of the proposal. In the balance, the benefits have to be weighed against the adverse impact on the character and appearance of the Conservation area for which considerable importance and weight has to be attached. For the reasons previously indicated, I am not persuaded that any public benefits have been substantiated. Therefore, while the harm to the significance of the Conservation Area is less than substantial, the public benefits would not be sufficient to outweigh that harm.
9. For all these reasons, the development would fail to preserve the character and appearance of the Conservation Area. Accordingly, the proposal would be contrary to Policies H8, BE1 and BE11 of the London Borough of Bromley Unitary Development Plan (UDP) 2006 which collectively and amongst other matters, require high quality design, development to respect the scale and form of the host dwelling, be compatible with surrounding development, and to preserve or enhance the character or appearance of the Conservation Area.

Living conditions

10. The garage extension, including the pitched roof, would be alongside the flank of 11 Hayes Way. Whilst the garage extension would result in a deeper built form facing the neighbour, it would be single storey with a roof over. The roof

would be stepped in from the side of the garage and have a pitched roof preventing an overbearing impact to the occupiers of the neighbouring property. For these reasons, there would be no loss of outlook for the neighbours at No 11 from their property, including their garden and side windows. Accordingly, the proposal would comply with Policy BE1 of the UDP, which collectively and amongst other matters, the living conditions of the occupiers of neighbouring buildings would be respected and their environments would not be harmed.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR