

Appeal Decision

Site visit made on 14 February 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/G5180/D/16/3162750
163 Framlingham Crescent, London SE9 4AJ

- 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 Me Chin against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02938/FULL6, dated 20 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is conversion of the loft to living space with dormer at the rear. Single storey rear extension to the kitchen. Single storey side extension. Front porch extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the dwelling and local area; and,
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring property at 161 Framlingham Crescent, with particular reference to outlook and sunlight.

Reasons

Character and appearance

3. The residential area around the appeal site is characterised by modest two storey terrace properties arranged in perimeter blocks. Corner properties are set back from the road frontage with generous areas of open space creating a degree of prominence in the local street scene. These corner properties occupy roughly triangular shaped plots with wide frontages narrowing considerably to the rear.
 4. The appeal property occupies a corner plot at the junction of Framlingham Crescent and Beaconsfield Road. This dwelling has previously been extended with a two storey addition to the side. Whilst it has a reasonably generous front garden area, to the rear its tapering boundary creates a small area which does not extend as far south as neighbouring gardens. This is enclosed by timber fencing of a reasonable height.
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5. The proposals include a single storey side extension running close to the side boundary, and tapering to the rear, and a single storey front extension projecting around 1.5m forward of the front building line. There would also be a single storey rear extension, with a depth of around 4m along the shared boundary with No 161 Framlingham Crescent, narrowing to around 2m on the western side of the dwelling. Roof alterations would include a hip to gable extension and a dormer addition which would span around 8m, almost the full width of the roof area.
6. The Council has concerns about the effect the front extension and rear dormer addition would have on the character and appearance of the area. However, the proposed side extension and the hip to gable roof extension are considered acceptable. I have no reason to take a different view, and therefore the following analysis focuses on the former elements.
7. The front porch addition, whilst not in evidence elsewhere on this terraced block, does have precedent elsewhere in the area. As this would not extend over the full frontage and would be modest in appearance, my view is that this aspect of the scheme would be an acceptable addition to the street scene.
8. The dormer extension would occupy much of the rear roof slope of both the original dwelling and its two storey addition, including the extended area created by the hip to gable extension. It would therefore be a prominent addition. Furthermore, as the appeal dwelling occupies a visible junction position, and as the hip to gable extension would increase the prominence of the roof when viewed from the junction, the dormer itself would clearly protrude beyond the roof plane, forming an intrusive and uncharacteristic addition to local views.
9. Whilst the appellant states that the dormer would only be visible in glimpsed views, its position close to the roof edge means that it would be visible in most views from the junction. Furthermore, as dormer extensions are not common in this area, this part of the scheme would stand out and be an overbearing addition to rear views from the neighbouring properties which back on to the appeal site.
10. I noted on my site visit that many properties in this area have been altered and extended. Specifically, the appellant presents details of an approved extension to No 245 Beaconsfield Road, which is located diagonally opposite the appeal site. This approval includes a two storey side extension and rear dormer addition which occupies much of the width of the original two storey property but not the extension. Therefore, whilst the appearance of this property has been significantly altered, the additions are more modest than those proposed in the present case. The rendered appearance of this property is unusual, however as this area is not subject to policies which control such matters, this element of the scheme did not require planning consent.
11. I accept that the proposal has been designed to a high standard, and that the materials would match those used in the existing property. However such considerations do not overcome the concerns relating to the bulk and prominence of the dormer extension.
12. On this matter I conclude that this proposal would have a detrimental effect on the character and appearance of the dwelling and local area. As such it would conflict with the London Borough of Bromley Unitary Development Plan 2006

(the UDP), which at Policies BE1 and H8 requires new development to complement the scale and form of adjacent areas, respecting the local street scene. Policy H8 specifically requires dormer windows to be of a scale and design appropriate to the roofscape and sited away from prominent roof pitches.

Living conditions

13. The Council has expressed concerns about the effect of the single storey rear addition on the living conditions of the occupiers of No 161 Framlingham Crescent. Whilst No 161 has a single storey addition as it adjoins No 159, the part of its rear elevation which adjoins No 163 has not been extended. There is a ground floor kitchen and dining room window close to the shared boundary with No 163. The proposed rear extension which would be located close to this shared boundary, would have a depth of around 4m.
14. No 161 has a narrower plot than No 163, and it also tapers, narrowing considerably to the rear. As such the presence of the rear extension would, in combination with the existing extension to No 161, create a tunnelling effect when viewed from both the rear ground floor window, and within the garden area closest to this dwelling. Whilst I accept that there is a timber fence of a reasonable height between these properties, the extension would be a significant and intrusive addition. Furthermore, as these garden areas are south facing, the extension would have an impact on the late afternoon and evening sun reaching the rear garden and ground floor window of No 161.
15. I have noted the presence of other single storey rear additions along this terraced row, and I accept that the extensions would provide the appellant with additional usable floor area within the property. The appellant also states that aspects of this proposal would be permitted development, and within the allowances for householder extensions for which prior approval procedures apply. However, this proposal exceeds permitted development limits, and this is not an application for prior approval. Therefore such provisions are not relevant to the determination of this case.
16. I therefore conclude that the proposal would have a detrimental effect on the living conditions of the occupiers of the neighbouring property at 161 Framlingham Crescent, with particular reference to outlook and sunlight. In this respect it would conflict with the UDP Policy BE1 which requires new development to respect the amenity of the occupiers of neighbouring properties.

Other Matters

17. The present proposals differ from those which have previously sought to create a new separate dwelling to the side of the appeal property¹. I have accepted that, in common with these previous applications, the proposed side extension would be acceptable. However, the present case also involves extensive roof alterations and a rear extension which I have found to conflict with policy.
18. The appellant questions the analysis of the proposals undertaken by the Council. However it is clear that this is a constrained site which occupies a prominent position. In such a sensitive location careful consideration of proposals against policy requirements relating to local character and residential

¹ Planning Application References: 12/02028/FULL1 and 13/01124/FULL1

amenity must be undertaken, and in this case I have found some aspects of the proposals to be unacceptable.

Conclusion

19. The proposals would cause harm in relation to both the character and appearance of the area, and the living conditions of the occupiers of the neighbouring property. The conflict with the development plan is not outweighed by any other material considerations. For these reasons the appeal should not succeed.

AJ Mageean

INSPECTOR