The Planning Inspectorate

Appeal Decision

Site visit made on 4 October 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 24th March 2017

Appeal Ref: APP/G5180/D/16/3154818
39 Gates Green Road, West Wickham, London Borough of Bromley, BR4 9DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Eren Yusef against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/16/01214/RECON, dated 9 March 2016, was refused by notice dated 4 July 2016.
- The application sought planning permission for roof alterations to incorporate rear dormer, two storey front/side and single storey rear extensions, canopy to front, elevational alterations, associated landscaping and patio to rear without complying with a condition attached to planning permission Ref DC/14/04129/FULL6, dated 18 December 2014.
- The condition in dispute is No 3 which states that:
  (3) The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.
- The reason given for the condition is:
  (3) The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission was originally granted for a series of extensions to No 39 under permission ref DC/14/04129/FULL6, dated 18 December 2014. Subsequently, the Council approved an application (ref DC/15/01102/VAR) to vary condition 3 of that permission to allow for alterations to be made to the scheme. The current appeal relates to that same condition. However, the application form is clear that the proposal seeks to vary condition 3 of the original permission rather than as amended under permission ref DC/15/01102/VAR. I have therefore determined the appeal on this basis, albeit I am aware that the later permitted variation represents an alternate scheme to that original permission, and I have included it in my assessment.

3. The proposal would allow for new air conditioning units to be installed on the rear elevation, the rear dormer extension to be enlarged, a taller ground floor rear extension with parapets, and a relocated window and soil vent pipe. At the time of my site visit, the proposed works had been largely completed, and the application is therefore retrospective in nature.

4. The appellant has questioned whether the rear dormer requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

5. The main issue is the effect that varying the condition would have on the character and appearance of the host property and the surrounding area.

Reasons

6. The appeal property is a semi-detached dwelling on the northern side of Gates Green Road. It has recently been significantly extended at both the side and rear.

7. The rear dormer is significantly taller and wider than that in the original scheme, or indeed that which was previously approved under permission ref DC/15/01102/VAR. It extends across a large proportion of the rear roof slope and is finished in render, which contrasts sharply with the otherwise tiled roof finish. Due to its size and finish, it has an incongruous and bulky appearance that is out of keeping with both the host property and the surrounding area.

8. The appellant has drawn my attention to a number of nearby dormer roof extensions. However, these generally occupy a smaller proportion of the roof slope than the appeal dormer, and use materials that more closely resemble the existing roof. In any case, I have determined the appeal on its own merits.

9. With regards to the air conditioning units, these are relatively small and are located at the back of the ground floor extension. They have restricted visibility in the surrounding area, and are not visible at all from the road. Whilst the air conditioning units have a distinct appearance, I do not consider that their presence is unduly harmful in this case, even taking into account the acoustic enclosures necessary to respond to the appellant's own noise assessment.

10. For the above reasons, I conclude that the development unacceptably harms the character and appearance of the host property and the surrounding area. It is therefore contrary to Policies BE1 and H8 of the Bromley Unitary Development Plan (UDP) (2006) and Policy 7.4 of the London Plan. These policies seek to ensure, amongst other things, that new extensions achieve a high standard of design, complement the host dwelling, and are compatible with development in the surrounding area.

Other Matters

11. The application was originally refused for 2 reasons. The second reason for refusal stated that, in the absence of any detailed noise assessment the air

conditioning units are likely to be detrimental to the living conditions of neighbouring residents. Subsequently, the appellant provided a noise assessment as part of their appeal submission. Upon reviewing this document, the Council stated that it no-longer wished to pursue this reason for refusal, subject to the imposition of conditions. Whilst I note that an interested party has contested the assessment of background noise associated with the construction period, the proposed works have now almost been completed. In these circumstances, I am satisfied that this matter could be dealt with by condition.

12. The effect of the development on the privacy of neighbouring properties has been raised by a number of interested parties. However, the height and size of the rear windows in the dormer extension are similar to those already approved under permission ref DC/15/01102/VAR. Any additional impact is not significant in this case.

13. Similarly, the rear canopy is only slightly taller than that already approved under permission ref DC/15/01102/VAR. The additional impact associated with this increase in height is not unacceptable in my view. In addition, the parapet walls at either end of the single storey rear extension are relatively low in height. They do not significantly affect the light to, or outlook from, the nearby first floor window to No 41.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR