

Appeal Decision

Site visit made on 27th February 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/G5180/D/17/3166980

St Margarets Cottage, Beckenham Place Park, Beckenham, BR3 5BT

- 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 T Rahbury against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/16/04465/FULL6, dated 23 September 2016, was refused by notice dated 24 November 2016.
 - The development proposed is part single/two storey side extension with lantern rooflight in existing side courtyard, single storey bay window extension to side, single storey rear extension, first floor rear extension including flat rooflight and alterations to front dormer window.
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Procedural Matter

1. The description cited above is derived from the planning application forms. I consider a more accurate description of the proposal is part single/two storey side extension with lantern rooflight in existing side courtyard, single storey side extensions (West elevation), single storey bay window extension to side, first floor rear extension including flat rooflight and alterations to elevations.

Decision

2. The appeal is dismissed insofar as it relates to part single/two storey side extension with lantern rooflight in existing side courtyard. The appeal is allowed insofar as it relates to single storey side extensions (West elevation), single storey bay window extension to side, first floor rear extension including flat rooflight and alterations to elevations and planning permission is granted for the same, at St Margarets Cottage, Beckenham Place Park, Beckenham, BR3 5BT, in accordance with the terms of the application Ref: DC/16/04465/FULL6, dated 23 September 2016 and the plans submitted with it (so far as relevant to that part of the development hereby permitted) and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: 838/01 Rev D: Existing Floor Plans, Location and Site Plans; Drawing No: 838/02 Rev D: Existing Elevations; Drawing No: 838/03 Rev D: Proposed Ground Floor Plan; Drawing No: 838/04
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Rev D: Proposed First Floor and Roof Plans; Drawing No 838/05 Rev D:
Proposed Elevations and Section.

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, dormers or other openings shall be inserted in the flank wall of the first floor rear extension facing St Margarets without express planning permission.

Main Issues

3. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) the living conditions of occupiers of the adjoining property St Margarets, in terms of the potential for overbearing effects and loss of outlook.

Reasons

4. The appeal site comprises a detached dwelling located within the Beckenham Place Park Area of Special Residential Character. This comprises a leafy suburb with the houses in the main set back from road frontages. The sylvan feel to the area and absence of formal street furniture lend an informal feel to the area. There is a considerable diversity in house design, including some relatively modern infill. The appeal property and its adjoining neighbour St Margarets are of polite Edwardian style with the latter having a commanding scale and the appeal dwelling appearing very much subordinate relative to it.
5. The Council's concern in relation to the first main issue is confined to the one/two storey front/side extension. Whilst they maintain that the existing dwelling has a distinct L-shaped design, its original form has been eroded somewhat by a series of extensions. Moreover, due to its proximity with the adjoining property St Margarets on one side and the boundary with the tennis courts at the other side, coupled with its set back from the road frontage, the form of the building is scarcely evident from the public realm. I therefore do not consider it is an important component of its character that it is essential to retain.
6. The proposed extensions would extend the bulk of the property towards St Margarets, but neither the two storey or single storey element would extend beyond the existing two storey side facing gable and indeed the two storey element would be set well in from that particular gable. Although the single storey element would be set back only slightly from the main front elevation, it would nonetheless appear as a distinctly subordinate addition to the property. To my mind, there would be no appreciable diminution in the sense of space between the appeal property and St Margarets and this element of the proposal would appear as a sympathetic addition to the property. Moreover, set well back from the road frontage in its own sizeable plot, the additions to the property would appear unremarkable. The hierarchical relationship between the much larger St Margarets and the appeal property which sits down beside it would also remain unchanged.
7. The Council take no exception to the remainder of the proposed extensions from an aesthetic standpoint and whilst cumulatively they would add to the scale of the host dwelling, I consider they would harmonise with it. Overall on the first

main issue, I thus conclude that the proposals would integrate comfortably with the character of both the host dwelling and character and appearance of the Beckenham Place Park Area of Special Residential Character. I thus find no conflict with Policies H8, H10 and BE1 of the London Borough of Bromley Unitary Development Plan 2006 (UDP) or Policy 7.4 of the London Plan 2016. These seek to ensure that development complements the scale, form, layout and materials of the host building and adjacent buildings and areas, maintain spaces or gaps between buildings where these contribute to the character and appearance of the area and respect the individual character of the Areas of Special Residential Character.

8. In relation to the second main issue, the Council's concern rests with the proximity of the single storey side extension to the boundary with St Margarets, which has been converted to a number of flats. This particular element of the proposal would have a height of 3.2 metres and run parallel to the boundary with that property for a depth of 7.9 metres.
9. The appeal property is separated from the side of St Margarets by a side passage which is bound by 2 brick walls of approximately 1.8 metres in height; one to each side. I accept the appellants point that this gives a clear separation between that property and the host dwelling. However, I have concerns that the separation distance is simply insufficient to retain a reasonable outlook from a number of ground floor windows in the side of St Margarets.
10. The side wall to the extension would be set in only slightly from the existing brick wall and with a height of 3.2 metres, would be appreciably taller relative thereto. As such and as the aforementioned windows are set so close to the boundary with the appeal property, I consider this element of the proposal would have an overbearing relationship, introducing a considerably greater sense of enclosure than presently exists along the side of that property and materially inhibiting the outlook therefrom.
11. I accept that the occupants of St Margarets raised no objections to the planning application, but that does not render it acceptable on its planning merits and I must also consider future occupants, as the development would potentially endure for many years.
12. For these reasons, I conclude on the second main issue that this particular element of the proposals would be unacceptably overbearing on the occupants of St Margarets and appreciably reduce the outlook from the ground floor windows. The proposal would thus conflict with criterion (v) of Policy BE1 of the UDP which requires amongst other things, that development should respect the amenity of occupiers of neighbouring buildings.
13. Although I have found that the design of the extensions would be compatible with the character of the host building and surrounding area, this is outweighed by my findings in relation to the impact of the proposed side extension on neighbouring occupiers. The proposed two storey and single storey side extensions are clearly divisible from the remainder of the development. I shall therefore issue a split decision dismissing the appeal in relation to that particular element of the proposals, but allowing the appeal in relation to the balance of the development.

14. In addition to the standard time limit for the commencement of the development, the Council suggested conditions requiring implementation in accordance with the approved plans and the use of matching materials. The former is necessary for the avoidance of doubt, but the latter is superfluous as both the planning application forms and drawings specify matching materials and any deviation therefrom would require further permission. The parties were canvassed about a condition withdrawing permitted development rights for the insertion of openings in the side elevation of the proposed first floor rear extension, in order to protect the privacy of occupants of St Margarets. Both parties were agreeable to this condition. The Council's Tree Officer recommended a condition prohibiting the burning of materials or storage of building materials, equipment, vehicles, plant, oil or other petroleum products within the branch spread of the trees to be retained on site. Following the site visit the Council later confirmed the existence of a Tree Preservation Order in relation to trees close to the site frontage and the condition was presumably suggested for their benefit. However, as these trees and their canopies stand some distance from the site of the proposed extensions, I do not consider this condition would meet the tests of reasonableness or necessity and I shall therefore omit it.

ALISON ROLAND

INSPECTOR