

Appeal Decision

Site visit made on 7 March 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 30th March 2017

Appeal Ref: APP/G5180/D/16/3167124

23 Willett Close, Petts Wood, Orpington, Kent BR5 1QH

- 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 & Mrs Dudley Port against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03377/FULL6 dated 13 July 2016 was refused by notice dated 19 September 2016.
 - The development proposed is a two storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the host property and the area, and on (2) the living conditions of neighbouring occupants with regard to outlook and light.

Reasons

Character and Appearance

3. The appeal property is a semi-detached house situated in a cul-de-sac which contains similar chalet style properties. Many of the properties have been extended with side-facing dormers or other extensions but the long roof slopes to the side are generally still evident. The buildings contain features such as distinctive two storey bay windows to the front which alongside the consistent use of render and brick as facing materials, gives the area a regular and uniform character.
 4. The proposal seeks permission for a two-storey side and rear extension. It would have a hipped roof profile and a lower ridge than the existing property. However, whilst this may result in the proposal appearing as a subordinate structure, it would introduce a third roof form, in addition to that of the main house and a previous extension which would detract from and relate poorly to the roof form of the original house. I acknowledge that the extension would be set well back from the front elevation of the house, which itself is setback from the pavement. However, it would still be visible in the streetscene where it would appear as a conspicuous addition to the property.
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5. Reference has been made by the appellant to a one metre gap from the boundary with the neighbouring property. Whilst the submitted plans indicate this gap at ground floor level, the first floor of the proposal features an overhang to the side, which would result in a reduced separation to the side boundary. The development would therefore not be compliant with Policy H9 of the Council's Unitary Development Plan (UDP), which states that for proposals of two or more storeys in height, a minimum 1 metre space from the side boundary should be retained for the full height and length of the flank wall of the building. Whilst the host dwelling is not a corner property, and I note the hipped roof profile and the lower ridge adopted by the proposal, the reduced separation would nevertheless result in the property having a cramped appearance. Although I note the reference by the appellant to the standards of separation in the area and there not being consistent gaps, but from my site observations, it was clear that in this instance, the appeal property is positioned close to the neighbour at No. 21 Willett Close.
6. I have taken into account the proposal would utilise matching materials and joinery and would also incorporate an overhang feature. These factors do not however outweigh the harm I have identified above.
7. As such, I conclude that the proposal would cause unacceptable harm to the character and appearance of the host property and the area. It would therefore conflict with Policies BE1, H8 and H9 of the UDP, which seek high standards of design, require the scale and form of construction to respect or compliment the host dwelling, and require the space or gaps between buildings to be respected or maintained. It would also be contrary to the National Planning Policy Framework (Framework), which states that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area. It is also therefore not the form of sustainable development which the Framework intends there to be a presumption in favour of.

Living Conditions

8. The proposed extension would project to the rear of the existing two storey element of the appeal property by around 3.8m which is already positioned further to the rear than the neighbouring property at No. 21. Whilst I note the reference to the windows to the side of this neighbouring property being secondary and not habitable, No. 21 has a kitchen window in its rear elevation. I note this neighbour's garage is located in close proximity to this window and the dual aspect provided by the glazed doors also on the rear of No. 21. However, I consider the proposal, which would be closer to this neighbouring property than the existing appeal property and its two-storey height, would have an adverse effect on the outlook from the rear of this neighbouring property and result in the reduction of daylight. Given the position of the extension to the south-west of this neighbouring house, it would also give rise to unacceptable overshadowing.
9. I note the appellant states they have taken care with the proposed development but as the main bulk of proposal would be to rear of this neighbour, I consider this would result in unacceptable harm to this neighbouring property's occupiers.

10. I therefore conclude there would be an unacceptable adverse effect on the living conditions of neighbouring occupants regarding outlook and light. I consider Policy BE1 of the UDP to be of most relevance to this aspect of the proposed development. The proposal would be contrary to this policy, which requires, amongst other matters, for development to respect the amenity of the occupiers of neighbouring buildings. It would also conflict with the Framework, which states at Paragraph 17 that, amongst other things, planning should seek a good standard of amenity for all existing occupants of land and buildings.

Other Matters

11. I note the connections that the family have to the local area, the need to provide additional accommodation for a growing family and the difficulty in moving home due to the high costs of doing so. These personal circumstances do not however outweigh the harm I have identified in respect of the main issues.
12. My attention has been drawn to a development which is said to be of a similar form but larger and closer to the pavement than the appeal proposal. Limited information has been provided on this and I am not aware of the full circumstances of that development when it was permitted. In any case, each application and appeal falls to be considered on its own merits.
13. The appellant has raised concerns relating to the Council's handling of the application and that an opportunity was not given to amend the plans. This matter does not have a bearing on the planning merits of the proposal before me and I can confirm that I have dealt with the appeal on its own merits.

Conclusion

14. For the reasons given above and having considered all other matters raised, including representations from neighbours, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR