

Appeal Decision

Site visit made on 23 March 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 12th April 2017

Appeal Ref: APP/G5180/D/17/3167320

41 Beck Lane, Beckenham, BR3 4RG

- 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 Mohammed Malik against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04946/FULL1, dated 28 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is a double storey side extension to match opposite site at number 38 and a rear loft dormer conversion to match opposite site at number 38.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal also includes a single storey rear extension. This is not included in the description of the development, but I have considered it as part of this appeal.

Main Issues

3. These are: the effect of the proposal on the character and appearance of the existing dwelling and on the streetscene; and the effect of the proposal on the living conditions of the occupiers of number 39 Beck Lane (number 39), with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal property is a two storey semi-detached dwelling, which is situated within a residential area in a prominent position in the streetscene. The area is mixed in terms of house types, which include two storey houses, blocks of flats and bungalows. Some of the properties have been altered and extended, including the adjoining dwelling at number 43 Beck Lane (number 43) and at number 38 Beck Lane (number 38) on the opposite side of the road. The appeal property has also been extended with a single storey garage and utility area to the side.
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5. The proposal is to construct a two storey side extension, a single storey rear extension and a dormer roof extension (across much of the rear roof area). The side extension and dormer would be similar to extensions that have been constructed at number 38. The appellant argues that this has created a precedent for the appeal proposal. However, I am required to determine this appeal proposal on its own merits.
6. Policies BE1 and H8 of the adopted Unitary Development Plan 2006 require (amongst other things) development proposals to be of high quality design; and domestic extensions and alterations to complement the existing building and the local area. Policy H8 also states that dormer windows should be of a size and design appropriate to the roofspace. These policies are consistent with the provisions of the National Planning Policy Framework (the Framework), which contains similar requirements (paragraphs 17 and 58). The Council contends that the proposal conflicts with the UDP policies, because of the scale and appearance of the two storey side and rear dormer extensions.
7. Notwithstanding the extensions at number 38, it is my opinion that the proposed two storey side and rear dormer extensions would be over dominant and excessive in scale and appearance, in relation to the existing dwelling. I note that a two storey side extension has been built at number 43. However, that extension has been set-back from the front wall of the original dwelling and has a lower ridge height, which has helped to ensure that the character and appearance of the original dwelling has been maintained. In my view, this would not be the case with the appeal proposal. Furthermore, the proposed dormer roof addition would be a particularly dominant, bulky and incongruous addition, which would be harmful to the appearance of the dwelling. Accordingly, I consider that the proposal would conflict with the policies of the Development Plan and with the Framework, as referred to above.
8. In my opinion, the proposed single storey extension rear extension would be acceptable in terms of its scale and appearance. However, it does not alter my overall conclusions on this issue.

Living Conditions

9. Policy BE1 of the UDP requires new development to have regard to the amenities of the occupiers of neighbouring buildings. This is consistent with the provisions of Paragraph 17 of the Framework, which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (bullet point 4).
10. Although the occupiers of number 39 are already overlooked to some extent by existing first floor windows at the appeal property and by those at number 43, I consider that the extent of fenestration and the dominant appearance of the proposed dormer roof extension, by reason of its height, width and relatively short separation distance between the dwellings, would result in a significant threat of overlooking and subsequent loss of privacy to the occupiers of number 39. This threat to privacy would be particularly noticeable to the occupiers of number 39 when using their rear garden, making it a less enjoyable place in which to be.
11. Consequently, I consider that the development would be unacceptably harmful to the living conditions of the occupants of number 39. Therefore, the proposal

would conflict with the Development Plan and with the Framework, as referred to above.

Conclusion

12. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR