
Appeal Decision

Site visit made on 16 May 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 27 June 2017

Appeal Ref: APP/G5180/W/16/3164933
2 Sevenoaks Road, Orpington BR6 9JJ

- 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 Khurm Chaudry against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03936/FULL6, dated 19 August 2016, was refused by notice dated 10 November 2016.
 - The development is proposed single and double extensions, loft conversion, front porch and associated internal and external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and,
 - the living conditions of occupiers of Chevening Court, with particular regard to outlook and light.

Procedural Matters

3. The plans submitted as evidence indicate that the rear of 2 Sevenoaks Road (No 2) faces directly north. However, my observations on site, a location plan submitted for a previous application¹ and the Council's evidence, indicate that No 2's rear elevation faces west north-west. This is the basis upon which I have based my reasoning.
4. Interested parties have raised a concern in relation to light. Although not mentioned in the Council's reasons for refusal, having reviewed the evidence before me I consider it appropriate to consider this in my reasoning.

Reasons

Character and appearance

5. The appeal site contains a substantial detached house (No 2), with amenity space to the front and rear. It is situated at the eastern end of a line of large detached houses with limited lateral separation, and close to a busy junction

¹ Council's Statement, Appendix 2

and roundabout. To the immediate south, the Conservative Club, which comprises a pair of converted detached dwellings, has a substantial single storey rear projection. To the north, the site is separated from a three storey terraced flatted development (Chevening Court) by a narrow access road which allows views into the open area behind dwellings fronting Sevenoaks Road.

6. The development would comprise a substantial two storey rear extension with further single storey projection, as well as single storey side projections extending as far as each plot side boundary. There would also be accommodation in the roofspace and a large front porch.
7. Saved Policy BE1 of the Local Plan² (LP), requires new development to complement the scale and form of adjacent buildings and areas, and the supporting text states that it should relate well to the character of its surroundings. Saved LP Policy H8 also requires residential extensions to respect or complement the scale and form of the host dwelling, and be compatible with development in the surrounding area. LP Policy H8 also expects the space or gaps between buildings to be respect or maintained where these contribute to the character the area.
8. The proposed layout³ indicates that No 2's footprint would more or less double in size compared to the existing footprint⁴. The lengths of the ridgeline and the ground floor rear extension would also approximately double when viewed from the side⁵. Although the rear first floor extension would be stepped back from the ground floor projection, it would extend beyond the existing rear elevation by some 5 metres. In addition, the existing lateral separation with adjoining plots would be significantly reduced as a result of the single storey extensions to the plot boundaries. The bulk and prominence of these side extensions would also be accentuated by their height, at some 3.5 metres. Although this would not be noticeable against the Conservative Club, which itself has a side extension next to No 2, it would be intrusive on the site's northern boundary as it would reduce the gap between No 2 and Chevening Court.
9. There has been a previous appeal for a substantial extension to No 2⁶. The height of that proposed development was slightly greater than that proposed here, but its flank wall was two or so metres shorter and it had flat elevations on all sides. Nonetheless, having reviewed those plans I conclude that its overall bulk and mass would not be dissimilar to the appeal before me. Furthermore, that previous application maintained lateral separation with the plot boundaries which this development would not.
10. The Inspector for that appeal concluded that the mass and bulk of the building would be out of all scale and proportion with its surroundings. Although I appreciate that the appeal before me would have slightly different dimensions, as well as stepped elevations to the rear and side, this previous appeal indicates that the bulk and massing of development apparent on the northern boundary of the site in particular, are determinative to the character and appearance of the area. This is largely due to the relationship of the appeal site to Chevening Court, the nearby road junction and the views into the site

² London Borough of Bromley, Unitary Development Plan, July 2006

³ Dwg.001A

⁴ Dwg. A001

⁵ Dwg.s A003 and A009

⁶ APP/G5180/A/05/1194122

from the north facilitated by the access road. Having reviewed the appeal site from the public domain at my visit, I agree with the Council that the northern appeal site boundary is particularly sensitive.

11. Much is made in the evidence before me of the existing site trees, and their proposed retention. However, the aerial and side views submitted⁷ by the appellant show that although there are trees in a raised planter alongside No 2's forecourt, there are no trees or other vegetation alongside its flank wall which is entirely visible above the boundary fenceline alongside the access road.
12. Moreover, although there are trees and large shrubs beyond the flank wall, having reviewed their positions and relationship with the development at my visit, I concluded that it was highly unlikely those closest to No 2 would remain. Not only would they obstruct access for construction purposes, they would also pose a significant obstruction to the store access and block the kitchen window.
13. In addition, there are no trees in front of the northern boundary fence as shown on the existing and proposed elevations⁸. Nor would there be space to plant any, on either side of the fence, as on one side the development would extend to the boundary and on the other the access road is hard against the boundary fence. I appreciate that other trees lining the site boundary could be retained but these would not contribute to screening for views from the north-east or from some of the flats on Chevening Court. In any case, the lifespan of trees is generally less than that of buildings and they cannot be expected to provide mitigation for the life of a development. Consequently, I give little weight to the appellant's argument that existing or proposed trees would provide screening for the development.
14. When viewed face on from the road, the full extent of the development would not readily be seen. However, this does not alter my reasoning in respect of the depth of the rearward extension, bulky side extensions and the development's visibility along the site's northern boundary. In any case, visibility from the public domain is not the only determinative factor when considering character and appearance.
15. I appreciate that Chevening Court is a significant structure and its ridgeline is higher than that of No 2. However, it has sufficient articulation and detail, particularly on its stepped and raked southern elevation, to reduce its overall impact. Furthermore, it maintains notable separation with No 2 and allows views through the site into the open area to the west.
16. I also appreciate that the Conservative Club has a rear extension but it is single storey. As such, it is subservient to the host dwelling, and far less obtrusive. In any case, precedent does not necessarily warrant perpetuating development that results in harm and each appeal is determined on its merits. I acknowledge that the appeal before me has been amended in response to a previous application but that does not affect my reasoning.
17. Consequently, the extent of the proposed development would subsume the scale and form of the host dwelling and would also represent a very substantial and prominent increase in length, bulk and mass compared to the current dwelling. Furthermore, I disagree with the appellant's statement that the gaps

⁷ Photographs 1, Page 3 & Figure 6

⁸ Dwg.A004 & A009

between buildings would be maintained as there would be a notable diminution of the existing gap between No 2 and Chevening Court.

18. As such, I conclude that the development would appear dominant, disproportionately large and bulky, and out of scale with its immediate surroundings. This would be detrimental to the character and appearance of the area.
19. Consequently, I consider the development would be contrary to the criteria outlined above in Saved LP Policies BE1 and H8, and the general design principles outlined in the supporting documents SPGs No 1 and 2⁹.

Living conditions

20. Saved LP Policy BE1(iv) and (v) expects the relationship of new development to existing buildings to allow for adequate daylight and sunlight to penetrate in and between those buildings, as well as requiring development to respect the amenity of occupiers of neighbouring buildings with respect to light or overshadowing. Furthermore, one of the core principles of the National Planning Policy Framework (the Framework) expects development to secure of good standard of amenity for all existing and future occupiers of land and buildings.
21. The flatted accommodation of Chevening Court has habitable rooms with adjacent balconies on its southern elevation. The outlook from Flats 1 and 2 is partially obstructed by the two-storey flank wall of No 2 at a distance of some 10 metres. If the appeal was allowed, the length of development's flank wall would be considerably increased and would completely enclose the outlook from these flats. The substantial single storey side extension would also be some 2 metres closer to the flats than the current flank wall, and this would also contribute to notable enclosure and intrusion, particularly for the ground floor flat. I conclude that the development would significantly encroach into and enclose the outlook from Flats 1 and 2, and have an adverse overbearing effect for occupiers of the ground floor flat.
22. Flats 3 and 4 currently have an outlook predominantly across No 2's rear garden, and I acknowledge that the existing trees and shrubs along this boundary will obstruct views to some extent, particularly in the summer. However, as I have noted above, I am not satisfied that this section of boundary vegetation could be retained if the development was allowed. Furthermore, as the space alongside the boundary would provide access to the store, opportunities for further screening along the plot boundary would be very limited. Consequently, I conclude that the development would give significant enclosure to the outlook of Flats 3 and 4.
23. The appellant argues that as the rear extension has been significantly reduced from a previous appeal, there would be no loss of outlook from No 4. However, albeit that I accept that the appeal before me has been amended since a previous application, it remains that part of the development's first floor would be directly opposite flats 3 and 4, and would intrude into their outlook.
24. There would also be some encroachment into outlook for occupiers of flats further to the west but as the development would not directly face those flats I

⁹ Supplementary Planning Guidance, No 1 General Design Principles & No 2 Residential Design Guidance

am not satisfied that the effect of the development on outlook for those occupiers would be sufficient to warrant dismissal of the appeal.

25. In the light of the above, I conclude that the development would have an effect on outlook for occupiers of Flats 1 -4, which would have an adverse effect on their living conditions.
26. The appellant has noted that there would be no loss of daylight or sunlight to local residents. The Inspector for the previous appeal noted that given the likely height of the building, there must be some reduction in sunlight reaching the main elevations of Chevening Court. However, the aerial photographs indicate that overshadowing would be limited to the times of day when the sun was at an oblique angle to Chevening Court¹⁰. Given that the development would present a significantly extended barrier to the south and east of Chevening Court I conclude there would be significant overshadowing of some flats in the morning, if the appeal was allowed.
27. Consequently, the development would fail to meet the provisions of LP Policy BE1(iv) and (v), as outlined above and would also be contrary to Paragraph 17 of the Framework with regard to the amenity of existing occupiers of land and buildings. LP Policy H8 does not mention living conditions and so is not of relevance here.

Other matters

28. The appellant has argued that the Council has not taken letters of support into account. Whilst I appreciate that there is support, it generally refers to the main issues which are discussed in my reasoning above. With regard to the likely occupancy of the development, I appreciate that future occupiers may include elderly relatives and a person with special needs but this does not necessarily justify the construction of such a large development in this location. In any case, limited information has been provided in this respect. I also note the endorsement of the future occupiers from some letters of support, but that is not determinative to this decision.
29. The appellant also argues that has been no objection from the Conservative Club. However, this is not determinative as there may be many reasons why parties do not object to an application, and it is not indicative of a lack of harm. In any case, the evidence before me indicates it is not residential dwelling and its windows appear to face Sevenoaks Road or its rear garden area, and would not necessarily be affected by the development.
30. The appellant gives various distances between the appeal site and Chevening Court to support his argument, ranging from 16.5 to 20/30 metres¹¹. However, the layout plans indicate that there is some 10 metres from the existing flank all of No 2 to the outer wall of Flats 1 and 2¹². The floor plan of a typical flat¹³ indicates that the living room and kitchen are located immediately next to the amenity areas or balconies. I appreciate that the stepped layout of

¹⁰ The shade cast by No 2 does not extend across the access track and the orientation of the shadows indicates that the photograph was taken around midday. Even allowing for the extended footprint to the north, it appears that shade cast by the development would not affect the flats around midday.

¹¹ Final Comments, Clause 2

¹² The photographs indicate there is a ground floor amenity area that projects towards No 2. This is not included in this measurement.

¹³ Council Statement, Appendix 5

the flats varies the lateral separation but my reasoning is concerned with those flats closest to the appeal site and thus the most affected by the development.

31. I appreciate that the previous appeal was for flatted accommodation. However, there is nothing in the evidence before me to indicate that the Council has considered the appeal before me as anything other than a single dwelling. The Council's reference to the previous appeal for this site is relevant in that it draws attention to that Inspector's concern with regard to the scale, bulk and massing of that development rather than the number of dwellings contained therein.
32. The appellant has raised concerns in relation to the Council's handling of the application but such concerns are not determinative to this decision. In any case, evidence submitted by both parties has been reviewed in order to assist my reasoning. Furthermore, the number of parties supporting any given issue does not affect the weight I give to that issue.
33. The appellant argues that the development would meet the space standards in the London Plan¹⁴ and provide flexible accommodation. However, the floorspace of some of the bedrooms proposed appears to be considerably in excess of the national space standards¹⁵ and I am not satisfied that the scale of development proposed is necessary to provide accommodation for an extended family. Consequently, although I appreciate the quality and facilities of the accommodation proposed, this does not alter my reasoning. As such, I give this argument little weight.
34. I appreciate that there have been changes to the area over time, notably the extensions to the Conservative Club and the construction of Chevening Court. However, these developments do not in themselves justify the scale of development proposed at No 2. Furthermore, there is no evidence before me to indicate the planning context of each decision, and each appeal is determined on its merits.
35. I acknowledge that the development would be constructed using traditional materials, but this does not alter my reasoning in relation to its overall form.
36. Interested parties have raised concerns including property values, disruption during construction and the likelihood of a future application to convert the accommodation to individual units or flatted development. However, as I have found harm in relation to the main issues it is not necessary for me to consider these issues further.

Planning Policy

37. Although the appellant refers to the Council's apparent unwillingness to give the guidance in the Framework sufficient weight, Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. There is nothing in the evidence before me to indicate that the policies cited in the reasons for refusal are inconsistent with the Framework, or indeed the London Plan, and therefore should not be given full weight.

¹⁴ Final Comments

¹⁵ Technical Housing Standards, Department for Communities and Local Government, March 2015

38. Accordingly, it is the Council's development plan that is the document against which the appeal is tested, unless material considerations indicate otherwise¹⁶. In this instance, although I appreciate the contribution that the development would make to provide an extended and quality family house in a location well-served by public transport, which are qualities that resonate with guidance in the Framework, I have found that it would be contrary to relevant local policies. Therefore the development would not constitute sustainable development as outlined in Paragraph 14 of the Framework.

Conclusion

39. I have found that the proposal would be harmful to the character and appearance of the area, and harmful to residents of Chevening Court in relation to outlook and light. As such, it conflicts with Saved LP policies BE1 and H8. It would also conflict with the one of the core planning principles of the Framework to seek to secure high quality design and a good standard of amenity for existing and future occupiers.
40. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Local Plan. Consequently, the appeal should be dismissed.

Amanda Blicq

INSPECTOR

¹⁶ Planning and Compulsory Purchase Act 2004, s38 (6)