
Appeal Decisions

Site visit made on 13 June 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 29th June 2017

Appeal A Ref: APP/G5180/D/17/3170613

Troika, 15 Oakwood Close Chislehurst BR7 5DD

- 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 and Mrs J and C Tucker against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05681/FULL6 dated 12 December 2016, was refused by notice dated 7 February 2017.
 - The development proposed is roof alterations incorporating two rear dormers, part one/two storey rear extension and first floor front extension and elevational alterations (revised design to approved application ref DC/16/03483/FULL6 to increase depth of rear single storey extension together with reduced roof height).
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Appeal B Ref: APP/G5180/D/17/3170614

Troika, 15 Oakwood Close Chislehurst BR7 5DD

- 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 and Mrs J and C Tucker against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05686/FULL6, dated 12 December 2016, was refused by notice dated 6 February 2017.
 - The development proposed is roof alterations incorporating two rear dormers, part one/two storey rear extension and first floor front extension and elevational alterations (revised design to approved application ref DC/16/03483/FULL6 to increase depth of rear single storey extension together with reduced roof height).
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Decision

1. Appeal A is allowed and planning permission is granted for roof alterations incorporating two rear dormers, part one/two storey rear extension and first floor front extension and elevational alterations at Troika, 15 Oakwood Close, Chislehurst BR7 5DD in accordance with the terms of the application, Ref DC/16/05681/FULL6, dated 12 December 2016, subject to the conditions set out on the attached schedule.
 2. Appeal B is allowed and planning permission is granted for roof alterations incorporating two rear dormers, part one/two storey rear extension and first floor front extension and elevational alterations at Troika, 15 Oakwood Close, Chislehurst BR7 5DD in accordance with the terms of the application, Ref DC/16/05686/FULL6, dated 12 December 2016, subject to the conditions set out on the attached schedule.
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Procedural Issues

3. Both appeals are revisions to a scheme which had previously been granted planning permission. However, I consider that the description of the proposed development should not refer to that previous approval since the appeals relate to two stand-alone applications. Consequently I have removed that section in brackets on the appeal form which reads: "*(revised design to approved application ref DC/16/03483/FULL6 to increase depth of rear single storey extension together with reduced roof height)*", from the description of development in my decision as I consider that it makes the description clearer and more precise.
4. From my site visit I could see that the development relating to an approval of an earlier planning application¹ had commenced and that the appeal property was covered in scaffolding and protective sheeting. However the ground floor rear extension had not commenced and I was able to fully assess this aspect of the proposal. At the request of the Council I also visited Willow View.
5. A plan was submitted with Appeal B which both parties have subsequently confirmed was an error, since it does not relate to this case. I have therefore disregarded Plan 16_001 A 0320 P2 as a result.

Main Issue

6. In the light of the Council's position as set out in its officer's report, I consider that the main issue in both appeals is the effect of the proposed ground floor rear extension on the living conditions of the occupiers of Willow View, No 16 Oakwood Close, with particular regard to outlook.

Reasons

7. Troika is a large detached house at the end of a long cul-de-sac of generally large detached properties. Its rear garden like those of its immediate neighbours is relatively long and there is extensive vegetation at the rear.
8. The proposed development introduces extensions to the roof, to the side, to the front and to the rear. However it is primarily only the length, height and design of the roof of the proposed rear extension which is different in this proposal to the scheme which has planning permission.
9. The Council officer's report makes it clear that it is satisfied with all aspects of the proposed development except the ground floor rear extension. However, it does suggest that, if the appeal is to be allowed, a condition should be imposed requiring obscured glazing on one window on the side extension. Having considered the evidence before me, I agree with that position.
10. The proposed development in both appeals involves a ground floor rear extension, on the Willow View side of the appeal property, of around 5.5m in length which is around 1.5m longer than the existing approval. However the rear extension proposed in Appeal A would incorporate a sloping parapet roof together with a central area of flat roof, whilst that proposed in Appeal B would have a hipped, pitched roof.
11. The proposed ground floor extension would project beyond the rear building line of Willow View by around 4.8m. However, Trioka is separated from Willow

¹ DC/16/03483

View by a brick wall of around 2m in height which runs part way along the boundary. There is a gap of around 1m between the side wall of the house at Troika and the boundary wall and a gap of around 2m between the boundary wall and the side wall of Willow View.

12. Willow View has a small ground floor side window on its chamfered corner which faces the appeal site and ground floor and upper floor windows on the rear elevation. None of these windows are obscurely glazed. The ground floor windows are in the form of French windows and extend out on to a patio. The living accommodation which these ground floor windows serve is a dining room and kitchen.
13. The height of the proposed extension in both appeals would mean that it would be visible from the rear windows of Willow View described above. However, the French windows face down the garden and the proposed extension would appear to the side behind the wall in that view. That there is a reasonable gap between the wall and those windows also mitigates any impact on outlook.
14. The ground floor window on the chamfered corner of Willow View would look out more directly on to the proposed extension because of its angle. However there is still a gap, in the order of around 3m between it and the proposed development. In addition, the existing brick wall would still be the prominent feature in those views out from that window in either appeal proposals, and in any case the window is a secondary window.
15. The outlook from the upstairs windows would tend to be directly down the garden and so I consider the proposed development would not appear unduly prominent in such views.
16. The proposed extension, in either appeal, would be visible from the patio of Willow Grove. Nevertheless the existence of the brick wall would mitigate such impact and I do not consider that the extension in either appeal would have an undue impact on the enjoyment of the patio.
17. For all of these reasons I conclude that the proposed development in either appeal would not have a harmful effect on the living conditions of the occupiers of Willow Grove with regard to outlook. I conclude that the proposal in either appeal would accord both with Policy BE1 and H8 of the Council's Unitary Development Plan 2006 which require developments to respect local character and protect residential amenity.

Other matters

18. The appeal site lies within the Chislehurst Conservation Area. This part of the Conservation Area is residential in nature and is characterised by houses of different styles in individual plots on a quiet cul-de-sac which contains considerable tree cover. Its significance lies, in part, in the way it contains a range of buildings and spaces that reflect the organic growth of this historic settlement over time.
19. The proposed extensions to the house are in keeping with this pattern of development in this part of the conservation area. Having regard to the statutory test in s72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I consider that the proposed development, in either appeal, would preserve the character and appearance of the Conservation Area as they

would comprise subservient and sympathetic additions on the rear of this modern dwelling.

20. I note that the neighbour at Willow View has suggested a preference for one of the appeals as he believes it would have less of an impact on his outlook than the other one. However I have found that the proposed development of either appeal would not have a harmful effect on outlook and have not sought to consider the merits of one over the other.

Conditions

21. I have considered the Council's suggested conditions in relation to the Planning Practice Guidance and the National Planning Policy Framework (the Framework). The first condition is the standard condition for implementation. The second condition specifying the plans to which the permission relates is necessary for clarity and certainty, and the third condition relating to materials is necessary in order to protect the character and appearance of the area and the Chislehurst Conservation Area.
22. I have considered the suggestion made by the neighbour at Willow View and by the Council that the first floor side window of the side extension, which is a secondary window, should be obscurely glazed and restricted in opening. I consider that this is necessary in the interests of privacy given its proximity and relationship to the first floor side bedroom windows at Willow View. I do not consider it is necessary to impose a further condition restricting the creation of additional windows or doors on this elevation as the likelihood of this occurring is low given that the upstairs bedroom will have two windows already and in any case such a condition has not been suggested to me by any party.
23. I have given consideration to the suggestion made by the neighbour at Willow View that there should be a condition to protect the existing vegetation on the appeal site side of the boundary wall. However I do not consider that such a condition is necessary since I have already concluded that there would not be any harm to outlook from Willow View as a result of the extension. In any case I consider that such a condition would not meet the tests for conditions set out in the Framework.

Conclusion

24. For the reasons given above I conclude that both appeals should be allowed.

Mike Worden

INSPECTOR

SCHEDULE OF CONDITIONS APPEAL A (**APP/G5180/D/17/3170613**)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OC-868-PD-00, OC-868-PD-01, OC-868-PD-040, OC-868-PD-030, OC-868-PD-020.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The extension hereby permitted shall not be occupied until the window on the side elevation facing No 16 Oakwood Close has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

SCHEDULE OF CONDITIONS APPEAL B (**APP/G5180/D/17/3170614**)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OC-868-PD-00, OC-868-PD-01, OC-868-PD-04, OC-868-PD-03, OC-868-PD-02.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The extension hereby permitted shall not be occupied until the window on the side elevation facing No 16 Oakwood Close has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.