

Appeal Decision

Site visit made on 22 June 2017

by D Cramond BSc MRTPI

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

Decision date: 06 July 2017

Appeal Ref: APP/G5180/D/17/3175340

36 Marlings Park Avenue, Chislehurst, BR7 6QN

- 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 Shazli Hafeez against the decision of Council of the London Borough of Bromley.
 - The application Ref DC/17/00163/FULL6, dated 13 January 2017, was refused by notice dated 10 April 2017.
 - The development proposed is the demolition of existing garage and erection of a two storey extension to side and rear incorporating a garage and loft space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the host property and the locality and ii) living conditions for neighbours.

Reasons

Character and appearance

3. The appeal property is a well proportioned pleasingly designed two storey substantial detached dwelling on a generous plot which widens towards the rear. It has a sizeable single storey garage arrangement attached to the south side which comes to within 1-2 metres of the side boundary. Spacing of the two storey element to the north side is more generous beyond the front corner due to the splayed nature of the plot. The locality is one of established residential character with a variety of detached properties and large gardens all coming together to create an area with a sense of spaciousness and markedly high aesthetic quality. This quality of the environs is being recognised through the emerging Local Plan (eLP) which classes this area an Area of Special Residential Character (ARSC) and embodies Policy 44 calling for new development to respect, enhance and strengthen the special and distinctive qualities in such localities.
 4. The proposal is as described above, would create a sizeable addition to the existing home, and would primarily result in additional living space at ground floor, bedrooms at first floor and a cinema room within a loft area under an extensive crown roof which would be created within the planned outer pitched and hipped arrangement.
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5. One of the endearing characteristics of the locality is that generally two storey elements are set some distance off shared side boundaries and this helps add to the sense of space and allows for views between properties, often through to verdant backdrops. Even where single storey elements are built close to the sides the same effect is inherent. To my eyes a major problem with the scheme in hand is that it would result in substantial two storey mass, in a prominent frontage position, being built, effectively, on the southern side boundary. This two storey form would come even much more closely to the boundary than the existing single storey garage. This proximity and massing across the site would be completely out of character with the prevailing pattern and the plot would simply look adversely overdeveloped detracting from the area. Spatial standards found locally would be markedly breached.
6. Furthermore the extent of development to the rear would be excessive and the combined works would overwhelm the existing property, lack any sense of subtlety or subservience, and be alien on this plot and in the wider picture. The apparent need for such an extraordinarily large and uncharacteristic crown or flat roof is demonstrative that this development would be excessive. Whilst beyond the frontage a considerable element of the planned works would not be widely open to public view I am nevertheless convinced the scheme as a whole is over-ambitious and should not be classed as a good design given its impact on immediate, and wider, character and appearance attributes.
7. The London Borough of Bromley Unitary Development Plan 2006 (UDP) includes saved Policies BE1, H8 and H9 which, taken together and amongst other matters, seek well designed new development that should protect local distinctiveness, complement the host property and its locality, have regard to spacing and siting, and not detract from the existing street scene. For the reasons given above I conclude that the appeal scheme would run contrary to these policies. These UDP policies are reflected by the content of Policies 6, 8 and 37 of the eLP, a document which carries at least limited weight given the stage it has reached. There would be conflict with these emerging policies as well as previously cited Policy 44.

Living conditions

8. Even allowing for the irregular rear building line found locally, the present boundary screening, and the disposition of neighbouring dwellings and their windows, the sheer bulk, mass, rearward projection and proximity to side boundaries of the planned extension works would be overbearing. The scheme would lead to the loss of some light but more so to the feeling of spaciousness and the diminution of the over-arching landscape-led scene in which neighbouring buildings do not stand as over dominant. The proposal would result in uncomfortable visual oppression for neighbours. I would add that I am not convinced that application of the "45 degree rule" towards its minimum effect is applicable in this locality. The sense of space and openness expected by residents is understandably considerable in this high quality neighbourhood and one which goes beyond the norm for many or most residential areas; it should be safeguarded accordingly.
9. Previously cited saved Policies BE1 and H9 of the UDP, along with Policies 8 and 37 of the eLP, also specifically seek to protect the amenities of neighbours. Given the foregoing I would conclude that the appeal scheme would run contrary to these policies. Furthermore a 'distinctive quality' of the ASRC with its protection via Policy 44 in the eLP is the high level of residential amenity

enjoyed by residents and the proposal would conflict with this policy on that basis.

Other matters

10. I note the wish to extend this property for family purposes and recognise that this is a particularly generous plot. There may be works which could be undertaken on a 'permitted development' basis but I do not have any such scheme before me, I do not consider these to be a fall-back, and most importantly I have a scheme to determine which I must consider on aesthetic and amenity grounds. I can appreciate that the use of a crown roof would keep overall maximum height within current parameters. The Appellant rightly points out that the locality is not a Conservation Area, that obscure glazing is intended for some of the most pertinent windows, that rear access would remain available, and that planning policies do contain flexibility e.g. by the use of "normally" when it comes to the sizing of gaps.
11. I note that there are other examples of extensions erected locally albeit I do not know the full planning background or timescale of all of these. I would conclude that some work successfully in visual terms, others less so and should not be used as a benchmark. In any event for reasons of position, scale or form none are directly comparable to the appeal scheme which I must assess on its own merits.
12. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
13. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within the Framework.

Overall conclusion

14. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality as well as on living conditions for neighbours. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR