

Appeal Decision

Site visit made on 19 June 2017

by S Jones MA DipLP

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

Decision date: 26 July 2017

Appeal Ref: APP/G5180/D/17/3172632

4 Birchwood Road, Petts Wood, Orpington BR5 1NY

- 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 Henry Nyemitel-Addo against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05519/FULL6, dated 30 November 2016, was refused by notice dated 27 January 2017.
 - The development proposed is two storey side and single storey rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and single storey rear extensions at 4 Birchwood Road, Petts Wood, Orpington BR5 1NY in accordance with the terms of the application, Ref DC/16/05519/FULL6, dated 30 November 2016, subject to the following conditions:
 - 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 approved plans dated 28 November 2016 submitted to the Council:
Drawings 871/01D, 871/02B, 871/03B, 871/04E, 871/05D, 871/06E
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposed development on
 - the character and appearance of the host building and the Chislehurst Road Petts Wood Conservation Area
 - on the living conditions at 2 Birchwood Road with particular regard to light, outlook and visual amenity
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Reasons

Conservation Area

3. In determining this appeal, I have a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the proposal preserves or enhances the character or appearance of the Chislehurst Road Petts Wood Conservation Area (CA). This is a relatively small CA consisting of a few streets characterised by interwar development of well-spaced detached houses in neo-vernacular styles, which has a cohesive character derived from common design themes and from the limited range of materials used in the development. No 4 represents such a style of house and so contributes to the significance of the CA.
4. The proposal concerns a rear conservatory, and a two storey side extension. The conservatory would be behind the back of the property and not visible from the front, and it would be rendered to match the existing building at the rear. The relationship between the site and adjoining properties and their gardens is sufficient in scale to incorporate it without any undue visual impact arising to the host building, and I conclude it thereby has a neutral effect on the CA.
5. Turning to the side extension, this would replace an existing attached single storey garage. It would run down almost the entire side elevation of the property at a separation of 1m from the boundary, as required in the Council's guidance. It would be in an appropriate style and materials matching the detailing of the existing house, subservient and proportionate in size and scale, and I conclude that this would not have any adverse overbearing visual impact on the character or appearance of the host building or of the CA, so that it would preserve it.
6. I conclude that the proposed development as a whole would respect the style and characteristics of the CA and would not detract from its significance. Consequently I conclude that it would not materially harm the host building or fail to preserve or enhance the character and appearance of the CA or conflict with Policies BE1, H9 or BE11 of the 2006 Bromley Unitary Development Plan which aim to secure high quality development appropriate to its context, including protection of heritage assets.

Living Conditions

7. The linked garage currently runs about halfway along the side elevation and its roof finishes just under the eaves of No 4. The single storey is currently roughly 0.6m from the boundary with No 2. The Council considered that the creation of a further storey across most of the width of the house level with the rest of the rear of No 4 could have an overbearing and adverse effect on the light, outlook and visual amenity at No 2, which has 4 windows in its side elevation.
8. The windows at ground floor level at No 2 are relatively small and already enclosed to some extent by the existing single storey garage and its pitched roof at No 4. They do not appear to be windows to habitable rooms but to the garage and ancillary spaces, and in any event their utility is limited by their small size. The extension would marginally increase the built area between the two properties here by creating a second storey level which would run along most of the eastern flank of No 4.

9. However, the proposal would be set away from the boundary by a further 400mm along its length and height, increasing the distance between the properties to 1m. It would also have a pitched roof design inset from the main ridge height and inset from the front elevation which would reduce its potential overall effect. The increase in distance between the properties would increase the amount of available light between them, which would counterbalance any effect from the proposed second storey extension given the roughly southerly orientation of the properties. I conclude it would not have any significant overbearing or adverse effect on light, outlook or visual amenity regarding the three windows at ground floor level.
10. There is a second storey window at No2 in the side elevation which would look out to a flank wall rather than look out to the pitched roof as it does at present. Again, the relatively small size of the window and the fact it already has an outlook towards the roof tiles reduces the effect on that window. In addition, the southerly orientation with the increased separation between the dwellings of 1m would further contribute to reducing any effect at this window. I conclude it would not have any significant overbearing or adverse effect on light, outlook or visual amenity here.
11. The rear of No 4 runs slightly past the rear of No 2, therefore so would the side extension. However, as this would be by a marginal distance only in overall terms and the area already falls within the westerly shadow of the main building, I consider that it would not have a serious detrimental effect resulting in any significant overbearing or significant adverse effect on light, outlook or visual amenity at the rear of No 2.
12. Consequently I conclude that the proposed development would not unreasonably affect the living conditions at No 2 and so in this regard would not conflict with Policy BE1 of the 2006 Bromley Unitary Development Plan which seeks to secure because overall it would allow for adequate sunlight and daylight to penetrate between buildings and because the development would not result in inadequate daylight, sunlight, overshadowing or overbearing, thereby respecting the amenity of neighbouring occupiers.

Other Matters

13. Although objections were raised from the Petts Wood Residents Association, the increase in separation between the properties at the location of the side extension would comply with the 1m required distance, and the design overall complies with the relevant policies.

Conclusion

14. For the reasons given above, the appeal is allowed and planning permission is granted, subject to conditions that are necessary and relevant in the interest of proper planning and to ensure that the appearance of the extension is carried out satisfactorily.

S Jones

INSPECTOR