
Appeal Decision

Site visit made on 4 July 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/G5180/W/17/3173938

2 Cator Road, Sydenham, London SE26 5DS

- 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 Alan Jaques against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05374/FULL1, dated 16 November 2016, was refused by notice dated 13 March 2017.
 - The development proposed is erection of new 2 bedroom house on land adjacent to No 2 Cator Road plus loft conversion with internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 70 Lennard Road having regard to privacy.

Reasons

Character and appearance

3. The appeal site comprises a single storey dwelling attached to a two storey corner property at 68 Lennard Road. Due to its modest proportions and detailing including its unaltered roof, the existing dwelling is subservient to and appears as an extension to the larger two storey dwelling at No 68. The roof pitch of the existing dwelling matches that of No 68 and the limited roof height and side space to the adjacent dwelling at 4 Cator Road allows for views of the rear elevations and landscaping within the rear gardens of properties on Lennard Road and this contributes to the open character of this part of the road. The surrounding area mainly comprises detached and semi-detached properties, largely with horizontal proportions and with reasonable sized gaps between the two storey elements of the dwellings and with a general absence of front dormers.
4. The proposal would increase the eaves and ridge height of the existing dwelling and the extended roof would have two pitched roofed front dormers. A two storey extension would be constructed at the end of the extended dwelling to

form a new dwelling and would result in a terrace of three properties. Due to its reasonably narrow width relative to its height the new dwelling would have vertical rather than horizontal proportions and its eaves height would be higher than the eaves of the adjacent two storey dwellings at No 68 and at No 4. In addition the extended dwelling would have two front dormers which would extend off the heightened ridge. There is a general absence of front dormers in the immediate surrounding area and whilst No 4 has a front dormer, this is smaller than those proposed and within a larger roof slope. Other dormers referred to by the appellant are further along Cator Road and on much larger properties.

5. Consequently and having regard to the above, despite being set back from the road the proposal would result in an incongruous form of development out of keeping with the surrounding area. I do not consider that it would be possible to overcome the concerns relating to the dormers by the imposition of a condition requiring an amendment to their design as suggested by the appellant and in any event my concerns regarding the proposal extend beyond the dormers. Whilst I acknowledge that the existing dwelling is an anomaly when compared to other nearby dwellings, I do not agree with the appellant that it is unattractive and its subservient and modest appearance means that it is not prominent within the streetscene or harmful to the character and appearance of the area.
6. Though a side space of one metre would be retained between the new dwelling and the common side boundary with No 4, the proposal would significantly reduce the open character of this part of the road and would result in the two storey elements of the new dwelling and No 4 being closer than is the case with most other nearby dwellings. This together with the vertical proportions of the new dwelling would result in a cramped form of development. Whilst the appellant has referred me to other properties in the area with side spaces similar or smaller to the one proposed, the majority of these properties are on Lennard Road with ones on Cator Road referred to either having spaces larger than the one proposed or the nearest parts of the dwellings being single storey rather than two storey as is the case with the proposal. Whilst Lennard Road is near to the appeal site, it is of a different character to the appeal site and nearby development on Cator Road.
7. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to Policy 7.4 of the London Plan (LP), policies BE1, H7 and H9 of the London Borough of Bromley Unitary Development Plan (UDP) and to the Council's Supplementary Planning Guidance 1 & 2 (SPG1&2). These policies and this guidance seek, amongst other things, development proposals to be of a high standard of design, to complement the scale, form and layout of adjacent buildings and areas and to maintain space or gaps between buildings where these contribute to the character of the area.

Living conditions

8. The rear garden of the existing dwelling is limited in depth and that would also be the case for the proposed dwelling. The rear garden boundary of the appeal site also forms part of the side boundary of the rear garden of the dwelling at 70 Lennard Road and is marked by a timber fence. There is currently no overlooking of the dwelling and garden of No 70 from the appeal site. There

are a number of first floor windows in the rear elevation of 4 Cator Road though the rear elevation of No 4 is set further away from the dwelling and garden boundary at No 70 than the appeal site.

9. The extended existing dwelling would contain a rear rooflight serving a bedroom and the new dwelling would have a first floor bedroom window in the rear elevation facing towards the rear garden of No 70. Having regard to the submitted sections, it does not appear that the height and position of the rear rooflight would allow for any significant overlooking of the dwelling and garden at No 70 and I note the appellant's willingness to obscurely glaze the rooflight if necessary. However I consider that the first floor window in the rear elevation of the new dwelling would result in overlooking and a significant loss of privacy to the rear garden of No 70.
10. Whilst I acknowledge that the position of the window means that it would not significantly overlook the dwelling at No 70 and that there is some existing overlooking of the garden from rear windows in other properties on Lennard Road and by No 4, unlike windows to properties on Lennard Road, the proposed window would be at a right angle to the garden and would be closer to it and the dwelling than the windows at No 4. Consequently I consider that overlooking from the window would be materially harmful to the living conditions of the occupiers of No 70. The appellant has suggested that the bottom half of the first floor window could be obscurely glazed to prevent overlooking and that this could be dealt with by the imposition of a condition. However this would restrict the outlook from the bedroom window and whilst some outlook would remain, this would be at a high level and would not be adequate having regard to the fact that it would be the main window serving a bedroom.
11. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of 70 Lennard Road having regard to privacy. It is therefore contrary to Policy BE1 of the UDP and to guidance contained within SPG1&2. This policy and this guidance require, amongst other things, development proposals to respect the amenity of occupiers of neighbouring buildings and to ensure their environments are not harmed by inadequate privacy.

Other Matters

12. In reaching my decision I have had regard to the fact that the proposal would result in an additional dwelling and improved accommodation to another dwelling in a residential area which is reasonably accessible and is not within a conservation area. The proposal would also result in some modest economic benefits. However these benefits would not outweigh the harm identified.

Conclusion

13. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR