
Appeal Decision

Site visit made on 18 July 2017

by Oliver Blower MA (T&CP)

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 04 August 2017

Appeal Ref: APP/G5180/D/17/3176860
119 Lovibonds Avenue, Orpington BR6 8EP

- 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 Harris against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/01286/FULL6, dated 16 March 2017, was refused by notice dated 12 May 2017.
 - The development proposed is described as "first storey bungalow uplift to form additional accommodation with rear dormers. Part first floor front extension. A part single/two storey side extension, a single storey rear extension and a front porch extension. Relocation of chimney to side elevation".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development includes roof alterations to form a two-storey dwelling including front and rear dormers, an increase to the roof height, the relocation of the chimney, a part two-storey part single-storey side extension, a single-storey rear extension, a front porch and front and rear rooflights.
3. The Council's single reason for refusal clearly relates to the effects of the proposed part two-storey part single-storey side extension only. The Council's delegated decision makes clear that the other elements of the proposal are acceptable. This decision, therefore, concentrates solely on the effects of the proposed side extension.

Main Issue

4. The main issue is the effect of the proposed side extension on the character and appearance of the area.

Reasons

5. The appeal relates to a bungalow with a hipped roof. The immediate area is predominantly composed of detached houses in a variety of styles with gaps between dwellings, providing for a spacious open character and appearance.
 6. The development plan includes the London Borough of Bromley Unitary Development Plan 2006 (UDP). Policy BE1 of the UDP seeks to ensure that, amongst other things, extensions to existing buildings will be expected to be of
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- a high standard of design and layout; development should not detract from the existing street; and development should complement the scale, form, and layout of adjacent buildings.
7. UDP Policy H9 seeks to ensure that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building.
 8. The first floor of the proposed side extension, due to its width and height, would substantially encroach into the characteristic gap between dwellings. I note, however, that it would be set back approximately 1 meter from the side boundary, partially in accordance with the minimum standard set out in UDP policy H9. I also note that the resultant gap at first floor level between No 119 and 117 would appear similar in width to the gap between No 117 and 115.
 9. The single-storey element of the extension, however, would only be set in approximately 0.15m from the side boundary. Although this would be little different to the proximity of the existing single-storey garage, when viewed together with the substantial encroachment of the proposed first floor, the cumulative effect would be of a disproportionately wide side extension that would significantly erode the characteristic gap between dwellings, to the detriment of the street scene.
 10. I conclude, therefore, that the proposed side extension would cause unacceptable harm to the open character and appearance of the immediate area, contrary to UDP policies BE1 and H9.
 11. The appellants have argued that the proposal would not be at odds with national policy as set out in the National Planning Policy Framework (the Framework). However the Framework makes it clear that good design is a key aspect of sustainable development, and that poorly designed development should be refused where it fails to improve the character and quality of an area. In my view the proposal fails to achieve these objectives.
 12. The appellants suggest that No 117 has been similarly extended in the past; however No 117 is set back an equal distance from its boundary with No 119 for the full height and length of the flank wall of the building, so that it is not directly comparable to proposed staggered side extension.

Other Matters

13. I note that the Council did not raise objections to the effect of the proposal on the living conditions of neighbouring occupiers. Nonetheless, concern has been raised by a third party with respect to overlooking of the ground floor side windows and glazed door of No 117 from the proposed first floor bathroom window. I agree that a window in this location has the potential to allow overlooking; however this harm could be adequately mitigated by the imposition of an appropriately worded condition requiring the window to be obscurely glazed and limiting the extent to which it could open.
14. Third party concern has also been raised with respect to the loss of daylight to the side windows of No 117. Although noted the proposed first floor would be set back approximately 1m from the boundary and, in combination with the set back of No 117 from its boundary, there would be sufficient space between the dwellings to allow adequate daylight to these windows. This holds true even

though the ground-floor of the extension would be close to the boundary, as its effect would be similar to that of the existing garage.

Conclusion

15. In respect of the main issue, for the reasons given above and having had regard to all other matters raised, I find that the proposed side extension would cause unacceptable harm to the character and appearance of the area. I therefore dismiss the appeal.

Oliver Blower

Appointed Person