

Appeal Decision

Site visit made on 21 August 2017

by Clive Tokley MRTPI

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

Decision date: 07 September 2017

Appeal Ref: APP/G5180/D/17/3177910
19 Hurst Close, Bromley, BR2 7JG.

- 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 Miss Katie O'Dowd & Mr Ross Parker against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/01312/FULL6 dated 20 March 2017 was refused by notice dated 12 May 2017.
 - The development proposed is described on the application form as a single storey side and rear extension. Part 2 storey side and rear extension. Demolition of existing garage and removal of existing porch.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension. Part 2 storey side and rear extension. Demolition of existing garage and removal of existing porch at 19 Hurst Close, Bromley, BR2 7JG. The permission is in accordance with the terms of the application Ref DC/17/01312/FULL6 dated 20 March 2017 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2824-16-PL001 revision P5 and 2824-16-PL002 revision P5.
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The description adopted by the Council differs from that on the application form but I have seen no indication that the original description has been formally changed. I am satisfied that the original description accurately describes the proposal and I have therefore used that description in my decision.
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4. No 19 occupies a wedge-shaped plot at the head of Hurst Close which terminates in a circular turning area. The semi-detached pair of houses comprising No 17 and No 19 is built at an angle to the frontage of the houses to the north west (Nos 13 and 15) and the pair is set back from those houses. The neighbouring pair to the south (Nos 21 and 23) are positioned slightly forward of No 17 and are built at a higher level. Their front walls are also at an angle to those of Nos 17 and 19 resulting in the space between the houses increasing in width towards the rear.
5. As a result of the relationships between the buildings and their location in relation to the head of the cul-de sac the narrow side way between the appeal house and No 21 can only be seen publicly from the extreme end of the Close. From that location the space between the houses at ground floor level appears to be occupied by the garages of No 19 and No 21, albeit that the garage at No 19 is set back some way behind that of no 21. Above the garages the view between the houses is closed by the roof of a commercial building at the rear of the residential properties.
6. *Bromley Unitary Development Plan 2006* (the UDP) includes a cascade of design policies. BE1 is an overarching policy for all development and Policy H8 concerns residential extensions. These policies indicate that development should be well designed and compatible with its surroundings and Policy H8 indicates that space or gaps between buildings should be respected or maintained where these contribute to the character of the area. In addition Policy H9 specifically indicates that two-storey extensions should retain a minimum of 1m space from the side boundary for the full height of the wall.
7. The approach to design within Policies BE1 and H8 accords with that of the National Planning Policy Framework (the Framework) which indicates that good design is a key aspect of sustainable development. However the Framework indicates at paragraph 59 that "*design policies should avoid unnecessary prescription or detail*". Whilst Policy H9 is qualified by the inclusion of the term "normally" I consider that its stipulation of the distance between an extension and the boundary is inherently prescriptive. The supporting text indicates that, as regards design, the objectives of Policy H9 are to prevent a cramped appearance and terracing and to protect high spatial standards and visual amenity. I consider that these objectives can be achieved by the assessment of proposals on their own merits against Policies BE1 and H8. I therefore find that Policy H9 introduces an unnecessary element of prescription into the UDP. Taking account of Policy 215 of the Framework I consider that more weight should be given to the UDP policies that are consistent with the framework (BE1 and H8) than to the detailed prescription within Policy H9.
8. The extension has been designed such that no part of the walls at first floor level would be closer than 1m from the boundary with No 21. This constraint combined with a rectilinear first floor plan results in the proposal being stepped back into the site. As a result of the angle of view from the street the entirety of the front elevation would not be seen and above ground floor level the majority of the space between No 19 and No 21 would appear to be retained.
9. The proposal would result in two hipped side/rear roofs being added to the two hipped elements of the existing roof. This "stepped back" approach would be similar to that at No 17 which, whilst having fewer elements, is more

prominently in view from the street. The roof pitches and materials would match those of the original dwelling and I consider that the proposal would not be uncharacteristic of the area.

10. As a result of the ground floor being built almost to the side boundary the proposal would not achieve a full height space to the boundary of 1m as indicated in UDP Policy H9. It is evident from the officer report that the Council places considerable weight on the failure to comply with that policy. However as I indicate above Policy H9 is unnecessarily prescriptive. I consider that a reduction in the width of the ground floor element to comply with Policy H9 would not materially increase the sense of space around the building and that the proposal would not detract from the spatial standards of the area. The set back of the proposal and the angle between the dwellings would not result in a perception of terracing and when seen from the Close the proposal would not appear cramped.

Conclusion

11. The proposal would be well designed and compatible with its surroundings and would respect the spatial character of the area. It would not conflict with the UDP Policies BE1 and H8 or those of the Framework as regards design and I therefore conclude that the appeal should succeed.
12. The normal conditions are imposed to control the commencement of development and identify the drawings. In order to ensure a satisfactory appearance a condition requires that the external materials should match the existing.

Clive Tokley

INSPECTOR