



Appeal Decision

Site visit made on 5 September 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 18 September 2017

Appeal Ref: APP/G5180/D/17/3179234 25 Grove Vale, Chislehurst, BR7 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 Mrs Yavuz against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/ 17/01456/FULL6, dated 28 March 2017, was refused by notice dated 2 June 2017.
 - The development proposed is a two storey side and rear extension/single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension/single storey rear extension at 25 Grove Vale, Chislehurst, BR7 5DS in accordance with the terms of the application, Ref DC/ 17/01456/FULL6, dated 28 March 2017, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1625_01-00; 1627_01-01; 1627_01-02; 1627_02-01 and 1627_02-02.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises a traditional two storey detached dwelling in a residential area. An existing single storey rear extension with a pitched roof extends beyond the attached garage along the boundary with the neighbouring property at No 26.
4. The first floor side/rear extension would extend rearwards from the front of the dwelling for about 11.2 metres. It would have an eaves height of approximately 5.1 metres and a ridge height of approximately 7.6 metres. At first floor level there would be around 1.7 metres between the flank wall of the

extension and the side boundary with No 26, whilst at the ground floor level the minimum distance would be around 0.3 metres. The single storey rear extension would have a width of approximately 5.3 metres, a depth of approximately 6 metres and a height of approximately 2.6 metres. It would incorporate the existing single storey rear extension and replace the existing pitched roof with a flat roof.

5. Policy H9 of the London Borough of Bromley Unitary Development Plan 2006 (UDP) indicates that for new residential development of two or more storeys in height, including extensions, the Council will normally require a minimum 1 metre space from the side boundary of the site to be retained for the full height and length of the flank wall of the building.
6. The Council's reason for refusal states that the proposal would not comply with this requirement and indicates that in the absence of this therefore the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed.
7. It seems to me that the use of the word 'normally' in policy H9 indicates that there is some flexibility in its application. In this particular case the single storey element of the side extension already exists. Therefore, like the Inspector in the appeal decision¹ at Hilda Vale Road, Orpington that has been referred to me by the appellant and which was also for a development comprising a number of elements of different heights, I consider that it would be unreasonable to apply the separation requirements to the existing single storey element of the development but rather it would seem reasonable to treat each element as a separate proposal (in terms of the policy), with the 1 metre separation criterion applying only to that element of the proposed development which is two or more storeys in height. In this case the two storey element of the proposed development would be set back a distance of more than 1metre from the side boundary. Accordingly, I consider that the proposal would comply with a reasonable interpretation of policy H9 of the UDP.
8. I note the proximity of the neighbouring property at No 26 to the boundary nevertheless the set back of the two storey element of the development would ensure that the appeal property would not appear unduly cramped on its plot and that the proposal would not result in a terracing effect out of character with the street scene. Accordingly, I am satisfied that the proposal would not result in a retrograde lowering of the spatial standards to which the area is at present developed.
9. Having regard to all of the above therefore, I conclude that the proposed development would not materially harm the character and appearance of the area and would comply with policy H9 of the UDP.
10. To ensure certainty a condition requiring the development to be implemented in accordance with the approved plans is necessary. A condition requiring the extension to be constructed of matching materials is also necessary to ensure a satisfactory appearance.

¹ APP/G5180/D/15/3025972

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR