

Appeal Decision

Site visit made on 3 October 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 09 October 2017

Appeal Ref: APP/G5180/D/17/3179308

35 Manor Park Road, West Wickham, BR4 0JY

- 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 Jim Crudgington against the decision of the London Borough of Bromley.
 - The application Ref DC/17/01200/FULL6, dated 13 March 2017, was refused by Notice dated 5 May 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are;
 - the effect of the proposed extension on the character and appearance of the host dwelling and area;
 - whether the proposals would make adequate provision for the living conditions of future occupiers in respect of external amenity space; and,
 - whether the proposals would safeguard the living conditions of the neighbouring occupiers of Nos. 33 & 35a Manor Park Road, having regard to outlook and sense of enclosure.

Reasons

Character and appearance

3. The appeal site is set within a predominantly residential area and is occupied by a two-storey mid-terrace dwelling with a modest sized rear garden defined by boundary fences. To the rear of the appeal site is a semi-detached property on Barwood Avenue which occupies a position close to the boundary. The submitted planning history indicates that the appeal property had previously been converted from a 5 bedroom dwelling, which would have also comprised the neighbouring property at No. 35a Manor Park Road.
 4. The appeal proposal would consist of a single storey rear extension with a pitched roof. In respect of the design rationale for the extension, I am satisfied that its general appearance would be appropriate when assessed against the design and appearance of the host dwelling. However, the effect of the
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proposed extension would be to significantly reduce the already modest sized rear garden by approximately 50% to a reported depth of approximately 3.6 metres. Whilst acknowledging there to be a reasonable degree of variation in garden sizes within the vicinity of the appeal site, the resultant garden would be uncharacteristically small in the context of the area and I would agree with the Council that this would indicate an unacceptable and cramped overdevelopment of the appeal site.

5. As a consequence, I am satisfied that the proposed development would result in an adverse effect on the character and appearance of the area. This would conflict with saved Policies H8 and BE1 of the London Borough of Bromley Unitary Development Plan 2006 (Bromley UDP), and Policy 7.4 of the London Plan. These policies set out that the scale and form of the enlargement of residential properties should be compatible with development in the surrounding area, including the pattern and grain of existing spaces and gaps between buildings where they contribute to the character of the area.

Living conditions – future occupiers

6. In assessing the effect of the proposed extension on the availability of existing external amenity space, the Council, with reference to the conclusions of an Inspector from the 2012 appeal decision for the conversion of the dwelling, has highlighted that the 3-bedroom property would have the potential to be occupied as family dwelling. In this respect, I acknowledge that the Council's evidence has not directed me to any standards related to external amenity space within the Development Plan. However, on the basis of my observations, I consider that the remaining residual garden would be of insufficient size and area to adequately support the occupation of the appeal property by a family and allow a full range of expected external activities and functions to take place.
7. As a consequence, the proposal would result in an adverse effect on the living conditions of future occupiers in respect of the availability of external amenity space. This would conflict with saved Policy BE1 of the Bromley UDP, which requires development to respect the amenity of future occupants. I am also mindful that there would be conflict with paragraph 17 of the National Planning Policy Framework (the Framework), which seeks to ensure that development secures a good standard of amenity for all future occupants of land and buildings.

Living conditions – neighbouring occupiers

8. I have carefully considered the relationship between the proposed extension and the immediately neighbouring properties, and have had particular regard to the height range of the proposed extension between 3.5 metres adjacent to the dwelling, and 2.6 metres at eaves level. I accept that the position of the proposed extension immediately on the existing boundaries with neighbouring properties would have an effect on the living conditions of neighbouring properties in respect of outlook and an increased sense of enclosure. However, I find that the limited depth of the extension would ensure that any impact would not be unacceptable, and the greater width and area of the adjacent gardens would provide some additional mitigation in respect of visual impact.
9. As a consequence, I am satisfied that the proposed development would adequately safeguard the living conditions of the neighbouring occupiers of

Nos. 33 & 35a Manor Park Road, having regard to outlook and sense of enclosure. In this respect I have not found the proposals to conflict with saved Policy BE1 of the Bromley UDP, which requires development to respect the amenity of occupiers of neighbouring buildings, or with the Framework, which seeks to ensure a good standard of amenity for all existing occupants of land and buildings.

Conclusions

10. Whilst I have not found the proposed extension to result in an adverse effect on the living conditions of neighbouring occupiers, I have concluded that the proposal would represent an uncharacteristic and cramped overdevelopment of the appeal site in the context of the character and appearance of the area, and would result in an adverse impact on the living conditions of future occupiers due to the inadequate provision of external amenity space. In this respect, the proposed development would be contrary to the Development Plan.
11. Therefore, for the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR