

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: 23 October 2017

Appeal Ref: APP/G5180/D/17/3179532

45 Rusland Avenue, Orpington, Kent, BR6 8AT

- 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 & Mrs Dottin against the decision of the London Borough of Bromley.
 - The application Ref DC/16/05825/FULL6, dated 6 December 2016, was refused by Notice dated 10 April 2017.
 - The development proposed is a single storey rear extension and rear and side loft extension with roof windows to new loft and roof extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed extensions on the character and appearance of the host dwelling and the area; and,
 - whether the personal circumstances of the appellant would outweigh any harm in respect of the proposed development.

Reasons

Character and appearance

3. The appeal site is set within a predominantly residential area and is occupied by a detached dwelling, which at the time of my visit was being extended in accordance with a previous planning permission (*LPA ref. 12/03840*) for a single storey side/rear extension, conversion of the garage to a habitable room with bay window to front, and ramps and handrails to the front and rear.
 4. The appeal proposals would comprise a single storey rear extension along with extensions to the existing roof. The overall effect on the appearance of the dwelling would see the retention of the existing hipped sloping front roof plane, combined with 'half-hipped' type extensions to the sides of the existing roof, and a further extension to the gable to the dwelling at the rear. The proposed extensions would overall provide a modest increase in floorspace to the already extended ground floor accommodation facilitating the creation of an additional bedroom, but a more significant increase in the first floor accommodation providing an additional bedroom, two bathrooms and further storage/loft space.
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5. I am satisfied that the overall extent of the rear single storey extension would not, in isolation, result in any specific concerns related to the design and scale of the host dwelling. However, it is evident from the detailed design of the overall proposals that the single storey element must fall to be determined in combination with the proposed extensions to the roof.
6. The extensions to the roof of the dwelling would appear as a bulky series of additions, which would overwhelm the existing extended property. Whilst I accept that the proposed development would incorporate matching materials, the resultant design approach would appear confused, given the variety of different roof forms incorporated within the same single building. Furthermore, and despite acknowledging the greater visual and spatial separation provided by the single storey side extension adjacent to the boundary with No. 43 Rusland Avenue, the significantly raised eaves on the 'half-hipped' flank elevations would result in a visually awkward relationship with the much lower eaves of the neighbouring properties.
7. I accept that the appeal site is not located within a conservation area or an area highlighted to be of particular design restraint, and whilst I note the extended rear gable would increase the overall bulk of the roof to the rear, in this specific respect I am satisfied the design approach would be consistent with that of the existing dwelling, and that the visual impact of this would not be so significant as to be unacceptable within the streetscene.
8. I was able to observe at the site visit that there are other examples of different roof forms within the wider area. Nevertheless, in the context of the incorporation of a combined hipped, half-hipped and gable roof design, this approach would appear as a departure from the still prevalent character of hipped roof bungalows within the vicinity of the appeal site. Whilst I have had regard to the various examples cited by the appellant as setting a precedent for the appeal proposals, I am not persuaded that the specific proposed design approach is a form of development which would be desirable to replicate in the same context elsewhere in the vicinity.
9. I have noted that the appellant has referred me to paragraph 60 of the National Planning Policy Framework (the Framework), with particular reference that planning policies and *decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative*. However, whilst I accept this to be the case, the same paragraph of the Framework also highlights that it is proper to seek to promote or reinforce local distinctiveness, which I have concluded in this instance the proposed development would fail to do.
10. I am satisfied that the combined appearance and effect of all elements of the proposed development, would result in an incongruous visual effect on the streetscene and the appearance of the existing dwelling, and would not reinforce local distinctiveness. The proposed extensions to the roof of the dwelling would result in an adverse effect on the character and appearance of the area. As a consequence, the proposals 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 all development proposals will be expected to be of a high standard of design, should complement the scale and form of adjacent buildings and areas, and

should not detract from the existing street scene, whilst residential extensions should also complement the host dwelling.

Personal circumstances

11. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Disability is a relevant protected characteristic to which the PSED applies.
12. The previous planning permission (*LPA ref. 12/03840*) for extensions and conversion of the garage to a habitable room was indicated as being to facilitate an independent lifestyle for a disabled family member. Whilst the appellant has not provided any direct evidential support of the need for a permanent live in care worker, the proposed development is in part highlighted as supporting the needs of a disabled family member in respect of this provision. However, I am mindful that whilst the proposals would provide two additional bedrooms, given the number of existing bedrooms it would nevertheless appear that the existing accommodation would be capable of accommodating the need for a live in care worker.
13. In this respect, I note that it is also indicated that there is a desire to accommodate an elderly relative and another adult family member, with the need for five bedrooms justified on this basis. However, whilst I am mindful that Age is also identified as a relevant protected characteristic to which the PSED applies, no evidence has been adduced to indicate that there is a specific need to accommodate the elderly relative at this address, or that after consideration of other arrangements that no suitable alternatives would be available.
14. As a consequence, I am satisfied that the impacts of dismissing the appeal on the individuals with a protected characteristic, do not outweigh the harm to the character and appearance of the area and the host dwelling, and the stated conflict with the Development Plan.

Conclusions

15. Therefore, for the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR