
Appeal Decision

Site visit made on 7 March 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/G5180/W/18/3218045

30 Beckenham Road, West Wickham BR4 0QT

- 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 Wendy Blair against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/01170/FULL1, dated 11 March 2018, was refused by notice dated 11 June 2018.
 - The development is for the construction of a side extension to create a separate 4 bedroom self-contained residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a side extension to create a separate 4 bedroom self-contained residential dwelling in accordance with the terms of the application, Ref: DC/18/01170/FULL1, dated 11 March 2018, subject to the conditions in the attached schedule.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed however a different wording has been entered. The description of development was amended by the Council at the application stage to refer to the construction of a side extension to create a separate 4 bedroom self-contained residential dwelling. I agree that this more accurately describes the proposed works and I have therefore used this in my decision.
3. Since the determination of the application by the Council the Bromley Local Plan January 2019 (LP) has been adopted. The LP has superseded all policies from the Bromley Unitary Development Plan (July 2006). I have therefore determined the appeal with the newly adopted Local Plan in mind.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

5. The appeal site currently contains a detached dwelling in a predominantly residential road of houses of a similar scale and dating from the same period albeit with some design differences. At the rear is a railway line which can be accessed via a right of way between the appeal property and the adjacent dwelling at 28 Beckenham Road, leaving a larger gap between the two buildings than is found between most of the other properties within the streetscene.
6. The appeal proposal is for a part two, part single storey side and rear extension with accommodation in the roof space to form a new, self-contained residential dwelling, thereby creating a pair of semi-detached units on the site. The development would have off-street parking on the front driveway and its own rear garden.
7. Although the ridge height would be slightly lower than the original ridge line, the front elevation and the front roofslope would be flush with the existing house, together with the monopitch roof of the single storey front projection. As such the appeal proposal would visually connect with the overall appearance of the host dwelling, without dominating it, and respond to the original design characteristics. Whilst a self-contained unit with its front door on the side elevation, from the public highway the scheme would to all intents and purposes appear as an extension to the appeal property. Given this, I do not consider that the introduction of a semi-detached building of this nature would be harmful to the character of the area.
8. The scheme would replace existing ground floor elements with a new two-storey addition and extend the footprint of the property further towards the rear and to the boundary with No. 28. Policy 8 of the LP states that for a proposal of two or more storeys in height, a minimum 1 metre space from the boundary should be retained for the full height and length of the building. However, due to the staggered boundary line, the degree of separation to the flank boundary with the right of way would reduce to 0.8m at the rear.
9. Whilst I acknowledge that the extension would result in a material increase in the width of the built form, the presence of the right of way would ensure adequate separation would be retained with the immediate neighbour, which would prevent a cramped appearance from occurring. The resultant gap between the appeal property as extended and No. 28 would reflect the spacing of neighbouring properties and would therefore be harmonious within the context of the streetscene.
10. The existing and proposed dwellings would both have access down the site of the respective properties directly into the private amenity space to the rear. Whilst the appeal scheme would reduce the area of rear garden to No. 30, it would not be perceptible from public vantage points. As such, I find that this would not have a material effect on the character of the area which could be considered harmful.

11. I am therefore satisfied that the proposal would respect the character and appearance of the area. There would be no conflict with Policies 4, 8 and 37 of the LP, Policies 3.5 and 7.4 of the London Plan March 2016, Supplementary Planning Guidance No 1 General Design Principles, and Supplementary Planning Guidance No 2 Residential Design. All of these policies, amongst other things, seek for new development to respect the local context and ensure retention of space around residential buildings to ensure adequate separation.

Highway safety

12. The proposed access to the new dwelling would be near to a pedestrian crossing on Beckenham Lane. As part of the appeal process the appellant has submitted an Access Appraisal which the Council has had the opportunity to consider and I have taken into account. The report includes plans which show a proposed access arrangement comprising a separate in/out arrangement to allow all vehicles to access and egress the site in a forward gear. It states that, amongst other things, good levels of visibility would be available from the site along Beckenham Road and that the residual cumulative impact of the proposals would not have an unacceptable impact on highway safety.
13. As part of its appeal statement the Council has suggested a condition which, amongst other things, would restrict any boundary treatment on the driveway to the front in order to maintain the proposed arrangement. I consider that the imposition of a condition in this regard would be essential to make the development acceptable in planning terms. It would adequately address this matter and ensure that access and egress to and from the site could be achieved in a forward gear without resulting in conflict with the pedestrian crossing on Beckenham Road or with vehicular traffic.
14. I therefore conclude that the proposal would not be harmful to highway safety. There would be no conflict with Policy 32 of the LP which seeks to ensure development has an acceptable impact on highway safety.

Other matters

15. Local residents have expressed a range of other concerns over the impact of the proposal, including access to the railway line, increased noise and disturbance and the tenure of the property. However, Network Rail have not objected to the scheme with regard to the right of way and there is no compelling evidence that the extension to the property or its occupation by tenants would result in adverse noise and disturbance. In all other respects, whilst I can understand the apprehension of local residents, their concerns are not supported by any substantive information that would justify the dismissal of the appeal on these grounds.

Conditions

16. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. Additionally, materials are required to match the existing building in order to ensure that the external appearance of the development is satisfactory.

17. In the interests of highway safety I have attached a condition requiring the shared access, parking and circulation areas to be provided and that no obstructions are placed or allowed to remain on the shared access. Although I have not gone as far as to restrict permitted development rights for fences and walls to the front boundary as this would be unnecessary, the condition would ensure that access and egress to and from the site can be achieved in a forward gear and would retain the parking spaces for vehicles. A condition is also required to ensure that an adequate refuse storage area is provided for the occupants of the new dwelling.
18. A condition is necessary to ensure that the site is properly drained, although I agree with the appellant that the Council's suggested condition would be unduly onerous as the site is located outside of any identified areas of flood risk. To this end the access and parking area should use permeable materials, although I consider that the precise finishing can be left to the appellant and as such submission of details in this regard is unnecessary. I have added this requirement to the condition relating to the provision of the shared access, parking and circulation areas condition.
19. The Council has requested that a condition be imposed restricting the rights of future occupiers to exercise their permitted development entitlements. Given the size of the proposed house and the proximity and scale of the surrounding dwellings, the potential to enlarge the property further such that it would adversely affect the character and appearance of the area is limited. The PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, and I consider that such a condition would not be necessary.

Conclusion

20. For the reasons set out above I conclude that the appeal should be allowed.

C Hall

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 Rev 000, 2 Rev A, 10 Rev A, 11 Rev 000, 12 Rev 000, 13 Rev 000, 14 Rev 000, 15 Rev 000, 16 Rev A, 17 Rev 000
- 3) The external materials of the development hereby permitted shall match those of the existing building.

- 4) The dwelling shall not be occupied until the shared access, parking and circulation areas have been provided using permeable materials (and in accordance with the details in the RGP Access Appraisal dated November 2018) and the parking spaces shall thereafter be kept available at all time for the parking of vehicles. No obstructions shall be placed or allowed to remain on the shared access and shall thereafter be maintained as such for the life of the development.
- 5) The dwelling shall not be occupied until the refuse storage area (shown on plan 2 Rev A as 'refusal') for the development has been provided and shall be retained as such for the life of the development.