
Appeal Decision

Site visit made on 1 July 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2019

Appeal Ref: APP/G5180/D/19/3225997

135 Crofton Road, Orpington BR6 8JA

- 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 Mansoor-Uh Rehman against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/04414/FULL6, dated 6 August 2018, was refused by notice dated 15 January 2019.
 - The development proposed is a single storey ground floor rear/side infill extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and surrounding area; and,
 - the living conditions of occupants of the neighbouring property at 133 Crofton Road, with particular regard to daylight and outlook.

Reasons

Character and appearance

3. The appeal property is a large detached family house. Although most of the neighbouring properties on the south side of Crofton Road are semi-detached rather than detached, in other regards it appears typical of its surroundings. Front gardens on this side of Crofton Road are generally more modest than those at the rear, but the overall impression is of a spacious, green and pleasant interwar suburb.
4. No 135 has previously been extended on the ground floor, including a large flat-roofed rear extension which was under construction at the time of my site visit. That extension sits at the western side of the garden towards the boundary with No 137, occupies approximately two thirds of the garden width, and extends approximately 8 metres beyond the existing rear wall of the appeal property.

5. The present appeal proposal is for a further ground floor extension which would occupy much of the space between the large extension currently being built and the eastern boundary of No 135, towards No 133. It would be approximately 5 metres deep, and so would not run to the full length of the extension now under construction, and would continue the existing eastern side wall of No 135, which is less than a metre from the boundary with No 133.
6. While the appeal proposal in itself would represent only a small further increase in the size of No 135, taken with the previous extensions it would mean that the original dwelling would be surrounded on two sides by substantial flat-roofed extensions. While these would not be seen from the public street at the front of the property, they would be highly visible in views from the rear windows and gardens of several of the neighbouring properties. The cumulative effect would be out of keeping with and unsympathetic to the scale, proportion and form of both the host property and the surrounding area.
7. I therefore consider that the proposed extension, by reason of its design and its cumulative impact when taken with previous extensions including that currently under construction, would result in overdevelopment of the host dwelling. This would cause harm to its character and appearance, as well as that of the surrounding area. In this respect, the proposal would be contrary to Policies 6 and 37 of the January 2019 Bromley Local Plan (the Local Plan) which, taken together, seek to ensure that residential extensions respect and complement both the host dwelling and the surrounding area. For the same reasons, it would also fail to accord with the provisions of the National Planning Policy Framework (the Framework), which seeks to achieve well-designed places.

Living conditions

8. As described above, the proposed extension would extend from the existing rear wall of No 135 for around 5 metres, at a distance of less than 1 metre from the boundary with No 133. It would rise above the existing boundary fence, and would result in a reduction of daylight reaching the conservatory of No 133. For the conservatory itself I consider that this would not have a significant harmful effect, as it is generously sized and the overall impact on occupants of that room would be limited. However, the internal ground floor living room at this south west corner of No 133 is also dependent on light entering via the conservatory. The effect of the proposed development would be that the windows inside the conservatory serving this room would also receive less daylight. This would make the room more gloomy, adversely affecting the living conditions of the occupants of this neighbouring property.
9. The exact height of the proposed extension's side wall at this point is a matter of some disagreement between the parties. The Council's officer report referred to it being 3.1 metres in height at this edge and, while this appears to be borne out in the plans provided, the appellant's statement refers to the proposed extension being 4 metres in height. I consider that the effect of the proposed development even at the lesser of these figures, given how close the side wall would be to the shared boundary and to No 133's conservatory, would be particularly overbearing and would result in a significant loss of outlook from the rear of No 133. These harmful effects would of course only be increased if the side wall were to be 4 metres rather than 3.1 metres high.

10. The appellant has also referred to and provided a copy of the appeal decision (reference APP/G5180/D/17/3187168) which granted approval for an 8 metre deep extension. The Inspector in that instance concluded that as the proposed extension would be set some distance off the eastern boundary of No 135 – that is the shared boundary with No 133 – “there would be no unacceptably adverse effect on the living conditions (amenity) of the residents of number 133, whether by loss of light or of oppressive outlook”. However, the proposal in the appeal before me is for an extension much closer to the shared boundary, which is an entirely different proposition and therefore not one which need be directed by this earlier appeal decision.
11. Taking all of the above factors into account, I conclude that the appeal proposal would have a significant harmful effect on the living conditions of the occupiers of No 133 Crofton Road, arising from loss of daylight to their rear living room, and loss of outlook from their conservatory. It would therefore be contrary to Policy 37 of the Local Plan which, among other things, seeks to protect the occupiers of neighbouring buildings from harmful development. It would also fail to accord with the provisions of the Framework, which seeks to create places which have a high standard of amenity for existing and future users.

Other matters

12. The appellant has drawn my attention to a number of properties elsewhere in the borough where rear extensions which are large or close to neighbours’ houses have been permitted. The circumstances of each proposal, including their relationship with the host and neighbouring properties, are likely to be different. In any event the fact that apparently similar dormers exist is not in itself a reason to allow unacceptable development. I have considered this appeal proposal on its own merits and find that it would cause harm as described above.
13. The appellant has also indicated that the proposed extension would provide additional room for an extended family, and in particular a downstairs bedroom for elderly relatives. While I am mindful of these personal circumstances, in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances change. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused.

Conclusion

14. For the reasons given above, and taking into account all other relevant matters raised, I conclude that the appeal should be dismissed.

M Cryan

Inspector