
Appeal Decision

Site visit made on 3 July 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/G5180/W/19/3228135
30 London Road, Bromley BR1 3QR

- 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 Ismail against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00150/FULL1, dated 9 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is loft conversion to accommodate 1no additional two-bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's refusal notice refers to the effect of the development on the character and appearance of the area. It also refers to the effect of the development on the living conditions of the occupiers of "*existing and proposed flats*" in terms of "*quality of environment, overlooking, enclosing effect and loss of light and prospect*". In respect of these issues, it is clear from reading the Council's officer report that this relates to the living conditions of occupiers of existing flats in the host building and No 28 London Road and not future occupiers of the proposed flat.
3. Therefore, the main issues are the effect of the proposal upon (i) the character and appearance of the host building and the surrounding area; and (ii) the living conditions of the occupiers of existing flats in the host building and No 28 London Road with particular reference to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal property is a reasonably large mid terrace 3 storey building. It is one of five similarly designed buildings all of which have pitched roofs behind a uniform parapet wall on the front elevation, although part of the parapet wall is absent from the neighbouring building south of the appeal property. However, overall the terrace has a regular rhythm of development, is

symmetrically and visually balanced, and makes a positive contribution to the street scene.

5. The proposed development would comprise alterations to the pitched roof and the flat roof over the rear extending L-shaped footprint of the building to form a Mansard roof extension with front and rear dormers. Although the height of the proposed roof extension would not be greater than the ridge level of the existing pitched roof, by virtue of its size it would add a bulky and top-heavy form of development to the host building such that it would appear conspicuous and incongruous within the street-scene.
6. The design of the Mansard roof extension would be at odds with the pitched and flat roofs of the terrace and therefore out of character with the established built form. Although it would be set back a little from the front and rear elevations, it would fundamentally alter the shape of the roof such that it would be very readily apparent from the public domain. Consequently, it would have a significant adverse visual impact when viewed against the symmetrically balanced and harmonious roof form of the terrace.
7. For these reasons, therefore, the proposal would be significantly harmful to the character and appearance of the host building and the surrounding area. Consequently, in this regard, it would not accord with the design aims of Policy 37 of the adopted Bromley Local Plan 2019 (BLP); Policy 7.4 of the adopted London Plan 2015, and chapter 12 of the National Planning Policy Framework (the Framework), which amongst other things seek to ensure that the scale and form of proposals complement adjacent buildings and the surrounding area.

Living conditions

8. The rear extending L-shaped footprint of the host building is mirrored by the adjacent building, No 28 London Road, as such there is already a sense of enclosure within the limited space between the properties. The position and height of the development would exacerbate this sense of enclosure resulting in an overbearing effect upon the outlook from the rear facing windows within the L-shaped part of the host building at first and second floor levels, where the submitted plans indicate existing residential use, and the windows on the rear facing and flank walls of No 28. Consequently, the proposal would result in a significant loss of outlook for occupiers of existing flats in the host building and No 28.
9. Taking into account the position and height of the proposed roof extension, it would also diminish the amount of daylight available to the aforementioned windows as a result of overshadowing. However, by virtue of its position being to the north of No 28 it would not materially reduce the amount of sunlight reaching the windows.
10. The flank windows serving the living/dining/kitchen room of the proposed flat would overlook the rear facing windows within the L-shaped part of the host building at second floor level and the windows on the rear facing and flank walls of No 28 resulting in a significant loss of privacy to occupiers of the neighbouring properties.

11. For the reasons given above, I conclude that significant harm would be caused to the living conditions of occupiers of existing flats in the host building and No 28 in respect of outlook, light and privacy. Therefore, the proposal would not accord with the living conditions aims of Policy 37 of the BLP; Policy 3.5 of the London Plan, and the Framework, which require amongst other things that new development does not cause unacceptable harm to the amenity of neighbouring properties through loss of outlook, light and privacy.

Other Matters

12. I note the appellants refer to other development in the surrounding area which feature a Mansard roof design. Moreover, I note the appellant refers to a similar development at No 38, allowed at appeal¹, however at the time of my site visit I could not see, from the street, any detail of the design of the roof. I have taken the appellant's point into account in terms of any influence on the character and appearance of the area so far as I am able to based on the information before me. However, I am not aware of the full circumstances of these other cases nor whether they are comparable with the case before me, I have determined the appeal proposal based on the circumstances of the site and the evidence before me.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR

¹ APP/G5180/A/08/2079778