



Appeal Decision

Site visit made on 24 July 2019

by Mr Kim Bennett DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/G5180/D/19/3229864 90 Imperial Way, Chislehurst BR7 6JR

- 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 Ms Vanessa Croft against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00618/FULL6, dated 6 February 2019, was refused by notice dated 23 May 2019.
 - The development proposed is a part rear and double storey extension and ground floor front extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a part rear and double storey extension and ground floor front extension at 90 Imperial Way, Chislehurst BR7 6JR in accordance with the terms of the application, Ref DC/19/00618/FULL6, dated 6 February 2019, subject to the following 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 plan: IMP90/1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The first floor side window shall be obscure glazed before the development hereby permitted is first occupied and shall thereafter be maintained in that form.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the first floor side elevation other than the one expressly authorised by this permission.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property comprises a two storey semi-detached house located on the north eastern side of Imperial Way. It has a single storey flat roofed extension to the side, a conservatory at the rear, and a detached garage which is close to the side common boundary with No 88 Imperial Way. The property and its 7 neighbours to the north are laid out in a 'crescent' style arrangement, so that it is sited forward and at an angle to, No 88 which is parallel to the road as are most other properties. No 88 has been extended in the past with a two storey side extension and a single storey side extension, the latter of which adjoins the common boundary with the appeal site. Elsewhere in the road, there is a mix of similar semi-detached and terraced houses.
4. The Council considers that the overall design would be acceptable in relation to the existing property and would be subservient to it, and I agree with that assessment. However, the Council is concerned that because of the skewed relationship with No 88, there would be a 'pinch point' at the rear of the site where part of the two storey extension would be within 1 metre of the side boundary with No 88. In particular, that would breach Policy 8 of the Council's Local Plan which requires a minimum of 1 metre gap for a two storey extension from the side boundary for the full height and length of the building.
5. The reasoning behind the above policy, is to prevent a cramped appearance in the street scene which is understandable. However, because of the skewed site relationship, the space between the two properties is not apparent when approaching from either direction, the flank wall of each property being most apparent in either view. The space between the two properties is therefore not readily appreciated until standing opposite them. In that respect, and as the Council acknowledges, the greater part of the first floor extension would significantly exceed the 1 metre requirement because it would be angled away from the side wall of No 88. That part of the development which would be in close proximity to the common boundary would be single storey only and would still be set off 860mm from the common boundary. It would therefore only be at the very end rear point of the first floor extension which would contravene the Council's minimum requirements and even then, as the appellant points out, only by 140mm.
6. Whilst I accept that there would be a minor technical breach of Policy 8 and that a small 'pinch point' would be created, I consider that the overall spatial feel and relationship that exists at present would be largely maintained, particularly in views up and down the road, and that therefore there would be no cramped appearance arising. I also note that the wording of the policy is caveated with the word 'normally', implying that there may be particular site circumstances on occasions where some flexibility is required. I consider that this is one such case.
7. The Council raises no objections from an amenity or highways point of view and I see no reason to disagree.
8. Conditions for the development to be built in accordance with the approved plans and for matching materials, are necessary in the interests of certainty and visual amenity. Conditions to ensure the first floor side window remains obscure glazed, and to control any future first floor side windows, are necessary in order to protect the amenities of the occupiers of No 88.

9. For the above reasons, the proposed development would comply with Policies 6 and 37 in the Council's Local Plan 2019 in that it would respect the spaces between buildings and would complement the scale, proportions and materials of adjacent buildings and the area. Whilst it would also be largely compliant with Policy 8 of the Local Plan, the site circumstances are such that the very minor breach would not undermine the objectives of the policy in this particular instance.
10. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR