
Appeal Decision

Site visit made on 9 July 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2019

Appeal Ref: APP/G5180/D/19/3227323

21 Whitecroft Way, Beckenham BR3 3AQ

- 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 Phillip Smith against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00332/FULL6, dated 20 December 2018, was refused by notice dated 22 March 2019.
 - The development proposed is a rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the above description, I note the proposal also includes the demolition of the existing conservatory, four new rooflights and the provision of habitable accommodation within the roof space and I have considered the appeal on this basis.
3. The decision notice references the site as being within the Park Langley Area of Special Residential Character, however the site falls within the Park Langley Conservation Area (the Conservation Area) and I have considered the appeal on this basis. I have therefore considered the appeal proposal against Policy 41 which relates to conservation areas.
4. The Council have indicated that they have not given publicity, as required, for the site being within a conservation area. However, given my decision to dismiss the appeal, I do not consider that this will have unfairly prejudiced any party.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the Conservation Area and on the living conditions of neighbouring residents at 19 Whitecroft Way with particular regard to daylight and outlook.

Reasons

Character and Appearance

6. The appeal site is a large detached dwelling which although slightly set back from both streets, occupies a prominent and publicly visible corner plot at the

junction of Whitecroft Way and Elwill Way. It also sits within the Park Langley Conservation Area which comprises predominantly early 20th century houses. The attractive form, scale, materials and detailing of these dwellings are defining features of the character and appearance of the Conservation Area.

7. The appeal proposal would involve the demolition of the conservatory to the south eastern elevation and its replacement with a full width two storey extension which would provide additional ground, first and second floor accommodation.
8. The appeal property makes a positive contribution to the character and appearance of the Conservation Area, in part through its balanced form and appearance, with its two wings projecting either side of a central two storey gabled feature.
9. The extension, which would follow the existing ridgeline would add significant bulk to the property and consequently would give it an imbalanced form and appearance in views from Elwill Way.
10. As a result of the scale and bulk of the appeal proposal, the form of the host property would be significantly altered which would impact negatively on its appearance and consequently detract from the significance of the Conservation Area, which in part is derived from the form of the attractive early 20th century houses, thereby failing to conserve its character and appearance.
11. I accept that the loss of significance to the Conservation Area would be less than substantial. Nonetheless this is harm to which I am required to afford significant weight.
12. Paragraph 196 of the National Planning Policy Framework requires that this harm should be weighed against any public benefits of the proposal. The development would be modest in scale and kind hence any benefits in the form of the provision of additional accommodation would be similarly modest and primarily private rather than public. Given the degree of harm I have found that would arise from the appeal scheme and the statutory protection afforded to conservation areas, the benefits identified are therefore not sufficient to outweigh this harm.
13. The appeal proposal would therefore be contrary to Policies 6, 37 and 41 of the London Borough of Bromley Local Plan 2019 which seek high quality design appropriate to local character and to preserve or enhance the character and appearance of conservation areas.

Living Conditions

14. The nearest neighbouring property, 19 Whitecroft Way sits close to the north east of No 21 and the appeal property already extends beyond its rear elevation at two storey height partly through a previous extension. The appeal proposal would result in the existing two storey projection beyond the rear elevation of No 19 being significantly increased.
15. The neighbouring property has a large ground floor window (serving a living room according to plans submitted by the appellant) close to the boundary of the appeal site.

16. This window affords a reasonable level of daylight and outlook bearing in mind the current two storey projection of the appeal property beyond its rear elevation.
17. Although I acknowledge that No 19 is a large property which contains a wide range of habitable rooms, without any substantive evidence to demonstrate otherwise, the combined depth and double storey height of the extension and its proximity to this neighbouring property would be likely to give rise to a harmful loss of daylight to this window. For the same reasons the proposed extension would be likely to create an unacceptable sense of enclosure to this window and lead to a loss of outlook from it.
18. Therefore, the proposal by reason of its depth, height and positioning would result in significant harm to the living conditions of the occupants of No 19, which would have an adverse impact on the enjoyment of their home for the occupants.
19. In making this assessment I have been mindful that there is planting on the boundary between the appeal property and No 19. However, the extension would have a significantly greater impact than the existing planting through its greater bulk and mass. I also note that the appellant suggests that the extension does not contravene a 45 degree line drawn from the windows of the neighbouring dwelling. However, a 45 degree line is a guide only. Moreover, for the reasons outline above, bearing in mind the positioning of the appeal property closely to the south west of No 19, I am not persuaded that such compliance would equate to a lack of harm.
20. The proposal would subsequently be contrary to Policy 37 of the London Borough of Bromley Local Plan 2019 where it requires that extensions to existing buildings should respect the amenity of occupiers of neighbouring buildings and those of future occupants.

Other Matters

21. Details of the recent planning history for the appeal property have been provided and I note that the appeal property has in part been afforded its current balanced appearance by reason of a previous two storey extension. While I have taken that evidence into account, the host building contributes to the character and appearance of the area in its current form rather than some other, now past form, such that it has little bearing in relation to this appeal, which has been determined on its own merits.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be dismissed.

TJ Burnham

INSPECTOR