



Appeal Decisions

Site visit made on 16 September 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal A Ref: APP/G5180/D/19/3232814

Roseview, Hill Brow, Bromley BR1 2PG

- 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 Odon Kasindi against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00444/FULL6, dated 28 January 2019, was refused by notice dated 21 May 2019.
 - The development proposed is described as 'extensions and alterations to the dwelling including a front garage extension and basement.'
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Appeal B Ref: APP/G5180/D/19/3232812

Roseview, Hill Brow, Bromley BR1 2PG

- 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 Odon Kasindi against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00445/FULL6, dated 28 January 2019, was refused by notice dated 20 May 2019.
 - The development proposed is extensions and alterations to the dwelling including a garage extension to the front.
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Decisions

Appeal A Ref: APP/G5180/D/19/3232814

1. The appeal is allowed and planning permission is granted for a part single/two storey front extension incorporating a garage extension and a new basement, a first floor part rear extension and first floor side extensions with a hip to gable roof conversion including alterations to rooflights creating one additional rooflight and internal and elevational alterations at Roseview, Hill Brow, Bromley BR1 2PG, in accordance with the terms of the application, Ref DC/19/00444/FULL6, dated 28 January 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 plans: Site location plan; MA100-02A and MA100-03A.

Appeal B Ref: APP/G5180/D/19/3232812

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are two appeals relating to the same site. There are a number of common elements of the development proposed under each of the appeals, namely the proposed alteration from a hipped to gabled design of the principal roofslope, a two storey rear extension and a number of elevational alterations including the finishing of external walls with white render; the introduction of aluminium windows; enlarged openings at ground floor level and increased vertical emphasis to windows at first floor level. However, the appeal developments differ insofar as there would be a more significant front projection for the garage proposed within Appeal B and Appeal A also includes a basement to the rear. I have considered each proposal on its individual merits, although given that there are common main issues, and to avoid duplication, I have dealt with the two appeals together, except where otherwise indicated.
4. The descriptions of development that appear in the banner heading above are taken from the respective planning application forms. However, the description of development within the decision for Appeal A, is taken from the Council's decision notice as this more accurately describes the appeal proposal. I have therefore determined the appeal on such a basis.
5. As part of Appeals A & B, the appellant has submitted an amended existing plans & elevations drawing (drawing No MA 100-01) to show the existing rooflights within the rear elevation. Whilst this plan was not considered by the Council at planning application determination stage, I am satisfied the changes are minor and that there would not be injustice caused to interested parties by accepting this drawing. I have therefore taken this drawing into account for the purposes of determining this appeal.

Main Issues

6. The main issues to be considered in both Appeals A & B are the effect of the proposed development on the character and appearance of the area.
7. With regard to Appeal B, there is an additional main issue relating to the effect of the proposed development on the living conditions of the occupiers of the neighbouring property of 3 Hill Brow in respect of outlook.

Reasons

Character and appearance

8. The appeal site is a large detached property situated within an established residential area. Whilst the property is traditional in its design, it is noted within the submissions as being of relatively recent construction. There is a variety of house designs within the immediate street scene including substantial houses within large and spacious plots. Whilst there is a predominance of hipped roof designs, within the immediate street scene there are alternative roof forms including gable ended two storey dwellings and chalet style bungalows.

9. The development proposed under both appeals A&B seeks to enlarge the roof of the dwelling with the introduction of gable ends to the principal roofslope, inset from the flank elevations. I acknowledge that the change in roof form would be noticeable especially when coupled with the proposed alterations in fenestration and materials. However, noting the variety in the design and form of dwellings in the locality and separation distances from the boundary of the site, the proposed gabled roof and alterations to window form and materials would not appear out of place, cramped or incongruous within this context, and would generally respect the varied character and appearance of the wider street scene. Furthermore, whilst the alterations would alter the existing traditional appearance of the property, owing to the variety of house styles in the locality this would not in itself be unacceptable.
10. The immediate street scene is characterised by a relatively consistent building line with the principal elevations of the dwellings providing a pleasing, rhythmical pattern of development with dwellings set back from the front boundaries. The front extension forming the garage under Appeal A would generally respect this, coming forward in line with the existing two storey projection to the other side of the house. The Council consider that this would be acceptable and having assessed this, I concur that it would appear as a generally subservient addition and would not harm the character of the property or street scene.
11. For Appeal B, the front extension would project significantly further forward than buildings evident within the immediate vicinity. Owing to this, and its height, the front extension would appear as a visually prominent, dominant and discordant addition when viewed from the main road. In this regard it would cause significant harm to the character and appearance of the area.
12. The appellant has sought to justify the enlarged forward projection by providing examples of other similar developments within the area, although limited details of these developments / planning applications have been provided and as such I have not been able to fully assess their relevance. Nevertheless, from the details that are before me and from my site observations, it appears that the constraints and position of the sites are somewhat different to the appeal site and are not commonplace. In any event, each case must be assessed on its individual planning merits and I consider that this element of the appeal development would be incongruous and visually discordant with the immediate street scene.
13. For the reasons outlined above, I conclude in respect of the forward projecting garage extension proposed under Appeal B, that it would be contrary to policies 6 and 37 of the BLP and guidance contained within adopted Design and Residential Design Supplementary Planning Guidance documents 2004 (RD SPD), that seek, amongst other things, development that complements the scale, form and layout of adjacent buildings and would be compatible with development in the surrounding area.
14. In respect of Appeal A, I conclude that the development would not cause harm to the character and appearance of the area and consequently it would accord with Policies 6 and 37 of the BLP and the RD SPD.

Living conditions

15. The Council's reason for refusal and officer report raise concern with regard to the development proposed under Appeal B, in respect of the effect of the forward projection of the development upon the outlook enjoyed by the occupiers of No 3 Hill Brow from their living room windows. I acknowledge that the proposed forward garage projection would introduce additional mass within close proximity of the shared boundary between the appeal site and No 3. However, I observed on site that the garages and drive serving No 3 are situated adjacent to the boundary with the appeal site, with the nearest front facing windows set some distance from the boundary. I am satisfied given the separation distances involved and the scale and position of the development proposed, that the proposal would not result in unacceptable detrimental impact on outlook when viewed from No 3 Hill Brow.
16. For the reasons outlined above, and with regard to Appeal B, I conclude that in terms of outlook, the proposal would not lead to any significant impacts for the occupiers of No 3 Hill Brow and hence it would accord with policies 6 and 37 of the BLP, that require that development should respect the amenity of the occupiers of neighbouring buildings.

Other Matters

17. Other interested parties raise concern with regard to the impact of the proposed works to the roof upon the living conditions of occupiers of 5A. I acknowledge that there are ground and first floor windows fronting onto the appeal site and the relative position of the neighbouring terrace and garden. However, noting the maintenance of separation of the enlarged roofslope from these features, I consider that the appeal development would not unacceptably detract from existing levels of outlook or light. As such this does not alter or outweigh my findings relating to the main issue for Appeal A.
18. With regard to any disturbance from construction activities, including those from works to construct the basement and swimming pool or impact upon road surfacing, there is no compelling evidence before me to indicate that any such harm would likely occur. As such I do not consider these issues would warrant dismissal of Appeal A.
19. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conditions and Conclusion - Appeal A Ref: APP/G5180/D/19/3232814

20. For the reasons set out above I conclude that Appeal A should be allowed.
21. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect. I note the Council request a condition requiring materials to match those used within the existing dwelling. However, the proposal seeks to alter the material finishes as specified on the approved plans and as such I do not consider this condition is reasonable or necessary.
22. I acknowledge that reference is made within the Council's officer report to a highways condition requiring details of parking provision, although no formal

wording is proposed. In any event, and on the evidence before me, adequate parking would be maintained and therefore such a condition is not necessary.

Conclusion - Appeal B Ref: APP/G5180/D/19/3232812

23. Whilst the development would be acceptable in terms of its effect upon the character and appearance of the area relative to alterations to the roof and the impact upon the outlook of the occupiers of the neighbouring dwellings, the proposed garage extension would cause significant harm to the character and appearance of the area. This is a matter of overriding concern and I therefore conclude that when the appeal is considered as a whole it should be dismissed.

Robert Lankshear

INSPECTOR