The Planning Inspectorate

Appeal Decision

Site visit made on 2 October 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/G5180/D/19/3233737
10 Derwent Drive, Petts Wood, Orpington BR5 1EW

- 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 Basant Mercia against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/18/05592/FULL6, dated 18 December 2018, was refused by notice dated 13 June 2019.
- The development proposed is described as: "Proposed porch to front entrance. Conversion of garage to form additional dwellingspace including extending out to rear. Conversion of first floor roofspace with rear extension to form additional dwellingspace".

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the application the proposal was amended to remove an additional vehicular crossover and to resolve inconsistencies on the drawings. I have considered the application on this basis.

Main Issues

3. The main issues are: -

   - The effect of the proposal on the character and appearance of the appeal site and its surroundings.

   - The effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular reference to loss of light.

Reasons

Character and Appearance

4. Derwent Drive is a residential cul-de-sac, and, in the vicinity of the site, is fronted by semi-detached bungalows with hipped roofs and attached flat roofed garages by the side. As a group these bungalows generally retain their original scale and appearance. The notable exception being 6 Derwent Drive, which has had a dormer window fitted to the front face of the roof. However, this has been incorporated into the building without raising the height or extending the length of the roof ridge and therefore the semi-detached pair of bungalows retains a sense of balance.

5. The development, in contrast, significantly enlarges the roof of the existing dwelling to the side and rear, in order to provide additional residential accommodation in the roof space.

6. Whilst the extension of the roof form to the rear is set slightly lower that the existing ridge height, thereby providing a degree of visual subservience to the main dwelling, the overall bulk and size of the proposed extension would undermine this intent. Further, the rear element has a significant flat roofed element and gable end which is out of character with the form of adjacent roofs.

7. The overall scale and form of the proposed extension would add significantly to the side and rear of the existing dwelling, unbalancing the pair of semi-detached bungalows and creating a dwelling of a roof form that is out of keeping with that of other dwellings in the vicinity. This incongruence would be clearly visible from the street, the adjacent footpath and the gardens to the rear of the neighbouring properties and introduce a discordance within the grouping of bungalows that would, in this instance, amount to harm.

8. I conclude that the proposal would result in harm to the character and appearance of the appeal site and its surroundings. This would be contrary to Policy 37 of the London Borough of Bromley Local Plan -2019- (the Local Plan) and Policy 7.4 of the London Plan -2016- (the London Plan) which, amongst other things, require that development should have regard to the scale and mass of surrounding buildings and complement their form, positively contribute to the existing street scene and reflect the character of the surrounding area in terms of scale, massing and design features; and that extensions should generally appear as a subservient addition to the dwelling.

9. For similar reasons the development would not accord with the advice provided within the London Borough of Bromley Supplementary Planning Guidance No 1 General Design Principles -2003, and No 2 Residential Design Guidance -2003 which, amongst other things advise that new development should have a character and quality of its own whilst at the same time respecting the character of its locality, and that roof alterations should be carefully considered to ensure that they respect the form and appearance of the existing roof.

Living conditions of neighbours

10. The proposed rear element of the roof extension would extend back from the existing roof ridge. The neighbouring property, 12 Derwent Drive, has a small conservatory close to the boundary with No 10, which has a glazed roof. The appellant has provided a "sun study" in support of the proposed development. Whilst the roof of the rear element of the extension pitches away from the boundary, the proposal would cast additional shadow over the glazed conservatory roof of No 12 during the early part of the day in winter, when the sun is low in the sky. Given the limited degree and duration of impact I do not consider that, in this particular case, the increase in overshadowing would be so significant as to constitute material harm.

11. The proposal would not, therefore, result in a harmful impact upon the living conditions of neighbours and would not be contrary to Policy 37 of the Local Plan or Policy 7.6 of the London Plan in as much as these policies require that development should respect and not cause unacceptable harm to the amenity of occupiers of neighbouring buildings.

Other Matters

12. The officers of the Local Planning Authority recommended that the application be approved. However, the appellant would also have been aware that there were a number of objections to the proposal from local residents and others. Consequently, the matter was referred to Committee for determination in a public meeting. In that meeting the Members took the view that the proposal would adversely affect the appearance of the building and the area and have an adverse effect on the living conditions of occupiers of neighbouring properties. They therefore concluded that it was in conflict with the development plan.

13. In such cases as these, where there are material considerations in favour of the development, the decision is one which is a matter of finely-balanced planning judgement. Members were entitled not to accept the professional advice of officers so long as they were prepared to give planning reasons for the contrary view. From my reasoning above, although it will be seen that I have not been convinced that there will be significant harm to the living conditions of occupiers of neighbouring properties, the effect of the proposal on the character and appearance of the site and its surroundings has been sufficient to persuade me that the proposal is not acceptable in planning terms.

14. The appellant has cited policies that could be seen to provide a degree of support for the proposal. However, I have considered the proposal on its own individual merits and assessed it against the development plan and national policy when read as a whole.

15. The appellant has explained the personal circumstances of the appellant and their difficulty in affording a property of their own that would accommodate themselves and their extended family. However, the aim of the planning system is to balance private interests with those of the public. In this case the personal needs of the appellant do not outweigh the harm identified above.

Conclusion

16. Notwithstanding that I have found that the development would not cause unacceptable harm to the amenity of occupiers of neighbouring buildings, I have found that the development would cause unacceptable harm to the character and appearance of the site and its surroundings. Therefore, for the reasons set out above the appeal is dismissed.

I Dyer

INSPECTOR