
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/C5690/D/19/3234080

17a Bromley Hill, Bromley BR1 4NA

- 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 Mrs Jianzhen You-Sharp against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/112109, dated 30 April 2019, was refused by notice dated 27 June 2019.
 - The development proposed is a two storey, side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 22 Flimwell Close with particular reference to enclosure and outlook.

Reasons

Character and appearance

3. The appeal site is located on the corner of Flimwell Close and Bromley Hill. 17A Bromley Hill is the end house on a terrace fronting Flimwell Close. The main frontage of the site is to Bromley Hill, and the site is set back behind a generous landscaped open space and an access road serving the residential properties on the north-eastern side of Bromley Hill. This open space and set-back of development from the main carriageway of Bromley Hill creates a sense of spaciousness around the junction.
4. Flimwell Close is an established residential cul-de-sac of two-storey terraced houses, set around a landscaped open space, forming a square. The terraced houses are set back from the road behind small gardens and the linear frontages and these private spaces create a sense of spaciousness to Flimwell Close as it enters the square. The building occupying the appeal site is set back behind the frontage of the terrace to which it is attached, reinforcing the spaciousness of the entrance. The spaciousness of the junction and access make a positive contribution to the character of the area.

5. The proposal would create a large two-storey extension on the side of the dwelling facing Flimwell Close using materials and features reflecting those of the host dwelling and the dwellings in Flimwell Close.
6. The extension would extend a significant way forward of the frontage line of the terrace in which it sits, reducing the visual gap at the entrance to Flimwell Close to a degree that would significantly reduce the spaciousness of the junction and entrance to Flimwell Close. Given the importance that I have placed on the spaciousness of the junction and entrance this reduction would, in this case, constitute significant harm to the character and appearance of the area.
7. Whilst the extension would be set back slightly behind the Bromley Hill frontage and the ridge of the roof slightly would be lower than that of the host dwelling, thereby providing a degree of visual subservience to the main dwelling, the overall bulk and size of the proposed extension would undermine this intent, resulting in an extension that lacks subservience to the host dwelling. This lack of subservience is such that it would result in harm to the character and appearance of the building.
8. I therefore find that the proposal would result in harm to the character and appearance of the appeal site and its surroundings. This would be contrary to DM Policy 31 of the Lewisham Development Management Local Plan -2014- (the Local Plan) which requires development proposals for alterations and extensions to respect and/or complement the form and setting of the original buildings, maintaining architectural subordination to the original building.
9. For similar reasons the development would not accord with the advice provided within the Lewisham Local Plan Residential Standards Supplementary planning document -2006 (as updated April 2019)- (the RSSPD) which, amongst other things advises that development should respect the general character of the area, and Alterations and Extensions Supplementary planning document -2019- (the AESPD) which, amongst other things advises that side extensions should be subordinate to the host property and not significantly harm the openness that forms the character of much of the borough.

Living conditions

10. 22 Flimwell Close has a door and upper floor window close to the boundary with No 17A. Anyone standing in the area in front of the door would experience a feeling of spaciousness around them whilst the window currently enjoys a degree of spaciousness in its outlook towards the buildings opposite, which are some distance away.
11. The proposed extension would introduce a single storey element with a pitched roof close to this boundary. Its roof, because of its relative height and depth, would be clearly visible from the front garden of No 22, as would the two storey element with its own pitched roof beyond, albeit that this would be further away. Nonetheless, given the height and massing of the extension when taken as a whole, together with the effect on openness that I have identified above, I consider that this development would create an unacceptable feeling of enclosure and loss of outlook to anyone in the front garden of No 22 close to the door.

12. The upper two storey element of the extension is set back from the boundary with No 22 and outside of the 45-degree splay of vision from the upper storey window. This is usually considered as a basis for establishing whether an obstruction would intrude into a window's outlook. I therefore consider that the outlook of anyone standing at the upper storey window of No 22 would not experience an increased sense of enclosure sufficient to constitute harm.
13. I therefore conclude that, whilst not affecting the outlook from the upper storey window, the development would result in significant harm to the living conditions of the occupiers of 22 Flimwell Close in terms of a loss of outlook and daylight, contrary to Policy 15 of the Lewisham Core Strategy, in as much as it does not apply national and regional guidance to achieve high quality design that is sensitive to local context, and DM Policy 31 of the Local Plan which, amongst other things, seeks to ensure that development results in no significant loss of amenity to adjoining houses.
14. For similar reasons the development would not accord with the advice provided within the Lewisham Local Plan RSSPD which, amongst other things advises that development should respect the amenities of neighbouring properties.
15. I do not find DM Policy 30 of the Local Plan particularly relevant to the matter of the amenity of the residents of the neighbouring property as the thrust of this policy relates to ensuring good quality design in regard to streetscape.

Other Matters

16. 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.
17. The appellant has explained the personal circumstances of the appellant. 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.
18. The appellant has brought to my attention that the AESPD was adopted during the course of the planning application for the proposal. This document now forms part of the development plan and is, therefore, a material consideration in my assessment of this proposal.
19. I also note that the appellant has expressed frustration with the way in which the Local Planning Authority handled the application. However, this is a matter between the parties involved and would not alter the outcome of this appeal.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

I Dyer

INSPECTOR