
Appeal Decision

Site visit made on 8 October 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/G5180/D/19/3234148

18 Partridge Drive, Orpington BR6 8PE

- 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 Ryu Kent against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00280/FULL6, dated 17 January 2019, was refused by notice dated 14 June 2019.
 - The development proposed is part one/two storey rear extension, addition of side dormers, single storey front extension and elevational alterations to include Juliet balconies to first floor rear and first floor flank windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Impact on the character and appearance of the host property and surrounding area; and
 - Effect upon the living conditions of the occupiers of neighbouring residential properties, with particular reference to privacy, light and outlook impacts.

Reasons

Character and appearance

3. The appeal property is a modern, two storey, link-attached house with brick finished walls under a tiled pitched roof. It is located at the eastern end of Partridge Drive at the head of the cul-de-sac. Vehicular access is from Partridge Drive and serves an integral garage with parking area in front. The site is surrounded by residential properties in Partridge Drive to both sides and to the rear in La Tourne Gardens and Norman Close, the latter properties being separated from the appeal site by a public footpath which runs adjacent to the site.
4. Partridge Drive forms part of a late C20 suburban housing estate, which is characterised by a relatively uniform development of detached and symmetrically designed link-attached two storey houses. Frontages are open plan and often given over to hard-surfaced parking. Single storey front projections are a common feature of the houses. The main pitched roofs are

simple and uncluttered. Side dormers are not a characteristic feature of the surrounding area.

5. The proposed side dormers would be visible from the street. They would occupy a considerable amount of the side roof slope and would dominate this part of the roof due to their width, depth and position within the roof slope in close proximity to the main roof ridge and eaves. Cumulatively, the three dormers would result in a visually over-prominent addition to the roof. This would be exacerbated by the white weatherboard cladding dormer walls which would be in contrast with the main roof tiles.
6. The proposed wide, shallow-pitched roof design of the dormers would also be out of keeping with the steeply pitched main roof form. Furthermore, the dormers would be considerably larger and wider than the proposed first floor window below, and significantly wider than the two single doors. These factors, taken together with the non-alignment of the dormers with the ground and first floor windows and doors, serve to exacerbate the incongruous, top-heavy appearance of the dormers within this elevation.
7. The side roof slope is visible in the street scene when viewed from Partridge Drive. The appeal proposal would be at odds with the simple uncluttered roof slope of the original dwelling and the adjacent link-attached dwelling. The dormers would appear as bulky and discordant additions to the side roof slope, drawing the eye, and detracting from the existing symmetry of the building. This would be out of keeping with the aforementioned characteristics of the surrounding properties and would materially harm the character and appearance of the area when viewed from within the context of Partridge Drive.
8. The proposed single storey front extension would be noticeable in views from the street, due to the open plan nature of the site and its visually prominent position at the end of the cul-de-sac. It would respect the height, depth, roof form and materials of the existing flat roofed projection, extending it to the full width of the host property. However, it would still remain subservient to the main dwelling. Given that single storey front projections are a feature of the surrounding housing, I do not find this element of the appeal proposal materially harmful to the host property and No.18a as a whole, nor to the wider street scene.
9. The proposed part one/two storey extension would increase the existing house depth by about half again, at a full 2-storey height across the width of the building. Whilst this would amount to a substantial addition to the dwelling, it would be restricted to the rear of the building, and as such it would not be perceived in views from Partridge Drive. The eaves and ridge heights, roof form and materials would be in keeping with the main dwelling. Whilst the extension would be visible from the neighbouring properties to the rear, the appeal site is of sufficient depth and width to accommodate the enlarged building size without the development appearing unduly cramped.
10. For the above reasons, I conclude that the proposed dormer windows would have a detrimental impact on the character and appearance of the host property and the wider surrounding area. This harmful impact would not be outweighed by the acceptable design of the front and rear extensions. Nor does the fact that the site does not lie within a conservation area negate the need to properly consider the effect of the proposal on the character and appearance of the area. The appeal scheme would be contrary to the aims of Policies 6 and 37

of the London Borough of Bromley Local Plan 2019 (LP), which, amongst other matters, seek to ensure that residential extensions are designed to a high standard, positively contribute to the existing street scene, are of a scale and form which respects or complements those of the host dwelling, and, in the case of dormer windows, are of a size and design appropriate to the roofscape and are sited away from prominent roof pitches, unless dormers are a feature of the area. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to secure high quality design as set out in Chapter 12.

Living conditions

11. The appeal proposal has the potential to impact on the living conditions of the occupiers of the neighbouring houses at 17 and 18a Partridge Drive and 5 and 7 La Tourne Gardens.
12. No.17 is a detached house which is positioned to the northwest of, and at an angle to, the appeal site. There is a timber chalet/shed between the house and the appeal site, which incorporates an outdoor seating area and leads onto an outdoor swimming pool situated close to the side boundary and extending to the rear of the garden. Beside the swimming pool, and to the rear of the house, there is a paved terrace and an area of lawn. During my site inspection I observed that these areas appear to be well-used, as evidenced by the condition of the swimming pool, and the presence of outdoor seating and a trampoline. These areas are not currently directly overlooked by any first floor windows of the appeal property.
13. The combination of the proposed depth of the two storey extension, the higher ground level of the appeal site above that of No.17, and the introduction of three dormer windows on the side facing No.17, would result in the appeal proposal having an overbearing impact on the rear garden of No.17. Furthermore, and notwithstanding the Appellant's agreement to a planning condition requiring the dormer windows to be non-opening and obscure-glazed, I find that this would not be sufficient to overcome the perception of overlooking to their rear outside amenity area, experienced by the occupants of No.17. This is due to the position of the dormers, which contain an extensive amount of glazing, together with a new first floor side elevation window, directly facing the rear garden of No.17.
14. In addition, the Appellant has submitted a Daylight and Sunlight Report (the Report) based on the 2011 BRE guidance¹, in which figures 11 and 12 show that there would be an increase in overshadowing of the part of the garden of No.17 where the swimming pool is located as a result of the appeal proposal. The Council has not provided any detailed objection to the report methodology, and I find no reason to disagree with its findings, having regard to the juxtaposition of the appeal proposal in relation to neighbouring property. The increased overshadowing would exacerbate the aforementioned harmful impacts on the living conditions of the occupiers of No.17.
15. The appeal proposal would extend for about 4 metres at full two storey height close to the side boundary of the appeal site with 18a Partridge Drive. That property has a rear elevation kitchen window and living room windows and doors facing onto a paved patio which extends across the width of the house.

¹ Site Layout Planning for Daylight and Sunlight. A Guide to Good Practice. (BRE 2011)

Beyond the patio is a well-maintained landscaped garden, which tapers to a point at its northeast corner. Given the height, depth and bulk of the proposed rear extension and its position close to the rear patio and garden of No.18a, it would have an undue impact on the outlook from the rear kitchen window, patio and garden of No.18a.

16. With regard to the impact on 5 and 7 La Tourne Gardens, I find that the appeal proposal would be sited sufficiently distant from the boundaries of these properties, so that any impacts with respect to outlook and privacy would not be materially harmful.
17. For the above reasons, I therefore conclude that the proposed development would unacceptably harm the living conditions of the occupiers of 17 and 18a Partridge Drive with respect to perceived loss of privacy, overshadowing and overbearing impact on outlook. As such, the appeal scheme would not accord with LP Policy 37, in so far as it aims to ensure that new development respects the amenity of occupiers of neighbouring buildings. This is generally consistent with the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users (paragraph 127).

Other Appeal Decisions

18. The Appellant has drawn my attention to three allowed appeals within the London Borough of Bromley where character and appearance and/or and living conditions were main issues. I find these appeals, which relate to two storey side and rear extensions, a replacement dwelling and a new dwelling, not to be directly comparable with the appeal proposal before me in respect of the form of development proposed and its relationship with neighbouring properties and the surrounding area. Therefore, these decisions do not persuade me to come to an alternative view with regard to the main issues.

Other Matters

19. Notwithstanding that the Framework encourages the effective use of land, this is not unqualified and would not address, or outweigh, the aforementioned harm that I have identified to the character and appearance of the area, and to the living conditions of the occupants of neighbouring properties.

Conclusion

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

S Leonard

INSPECTOR