The Planning Inspectorate

Appeal Decision

Site visit made on 29 October 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/G5180/D/19/3234604
10 Wellbrook Road, Orpington BR6 7AB

- 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 Matthew Richards against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/19/01221/FULL6, dated 13 March 2019, was refused by notice dated 13 May 2019.
- The development proposed is first floor extension to bungalow and ground floor rear extension.

Decision

1. The appeal is dismissed.

Procedural matter

2. The description of development in the header above is taken from the planning application form. However, the description on the appeal form and Council's decision notice is "first floor extension to create a two storey dwelling, porch and bay window to front, ground floor rear extension and elevational alterations". This more accurately describes the scheme and I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 8 and 12 Wellbrook Road with particular regard to privacy, outlook and daylight.

Reasons

4. The appeal property is a detached single-storey dwelling situated between two, two-storey semi-detached properties, one of which (No 12 Wellbrook Road) has accommodation within its extended roof space. Both neighbouring properties (No's 12 and 8) have a number of windows and their main entrances directly facing the appeal site. Although there are many different styles of properties within the street, there are no other single storey dwellings present. However, the style and scale of the proposal would not be out of keeping with the street scene and the Council raises no issue with its overall appearance.

5. The proposed first floor extension would extend over the footprint of the existing bungalow resulting in a two-storey dwelling within close proximity to

the side boundaries and flank walls of No's 8 and 12. The gaps between the appeal building (No 10) and the flank walls of these neighbouring properties are limited, with approximately 2.3 metres between No's 10 and 8 and three metres between No's 10 and 12. The ridge height of the appeal building would be lower than those of these neighbouring properties and an asymmetrical hipped roof design is sought.

6. Notwithstanding these design features, the proposal would result in a large expanse of brick wall directly in front of the first-floor windows of No 8, at least one of which I have been advised serves a bedroom. The outlook from this window is currently over the roof of the appeal building towards No 12, the street and the rear gardens of No's 10 and 12. Whilst it is unclear if this is the only window serving this room, due to the depth and height of the proposal in such close proximity to this window, the development proposed would be overbearing and result in restricted outlook. In addition, the prominence and mass of the proposed extensions would significantly diminish the amount of daylight reaching the ground floor windows and entrance of No 8 and would lead to an unacceptable sense of enclosure to the occupiers of that property.

7. In relation to No 12, the eaves line of the extended property would be lower than in respect of No 8, and the bulk of the roof would be further away. The proposal would, nevertheless, dominate the outlook from No 12's first-floor window and the windows in the roof space above that face the appeal site. The height of the proposed extension, in close proximity to No 12 would be overbearing and would reduce the amount of daylight reaching the ground floor rooms to the detriment of the living conditions of the occupiers.

8. With regard to overlooking, the Council is concerned with the relationship of the proposed first floor windows in the extended flank wall that would face No 8. The appellant has given consideration to the relationship of these windows with those of No 8; positioning them so as not to be directly opposite existing windows and not central to the rooms that they would serve. However, because of the close proximity between the buildings the proposal would introduce overlooking detrimental to the privacy currently enjoyed by the occupants of No 8.

9. My attention has been drawn to previous planning applications at the appeal site for similar types of development, one of which was approved. However, I do not have full details of what led to that scheme being considered acceptable or in what ways it might be directly comparable to the scheme before me. In any case, I have considered this appeal proposal on its own merits.

10. I have had regard to the appellant's Design and Access Statement, the desire to improve the living space and the acceptability of the design in relation to the street scene, however these factors do not alter my decision.

11. I conclude that the proposal would have a harmful impact on the living conditions of the occupiers of 8 Wellbrook Road with regard to privacy, outlook and daylight and on the living conditions of the occupiers of 12 Wellbrook Road, with regard to outlook and daylight. Thus, it would conflict with Policies 6, 8 and 37 of the Bromley Local Plan 2019. Together these policies require high quality design and protection of residential amenity.

Conclusion

12. For the reasons given above the appeal is dismissed.

S Tudhope
Inspector