



Appeal Decision

Site visit made on 11 November 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/G5180/D/19/3224715

133 Sevenoaks Way, St Pauls Cray, Orpington, Bromley BR5 3AQ

- 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 James Hills against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00134/FULL6, dated 2 January 2019, was refused by notice dated 27 February 2019.
 - The development proposed is described as 'build of mainly glazed conservatory. Located rear garden – attached to bungalow – single storey'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear conservatory at 133 Sevenoaks Way, St Pauls Cray, Orpington, Bromley BR5 3AQ in accordance with the terms of application, Ref. DC/19/00134/FULL6, dated 2 January 2019, and the plans numbered 133 CONS1, CONS2 and CONS3.

Procedural Matters

2. I observed that the development described above has already been partially carried out. I have therefore dealt with the appeal on the basis that the development has, in part, already occurred.
3. I have, in part, adopted the Council's description of development in my formal decision as this is a more accurate and succinct description of the proposed development.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the surrounding area; and,
 - the living conditions of neighbouring residents, with particular regard to outlook, and that of existing and future occupants of the property, with regard to private amenity space.

Reasons

Character and appearance

5. The appeal property is a single storey dwelling at the end of a short terrace of three houses. It has recently been extended with a large flat roofed single storey rear extension that was allowed on appeal¹. The surrounding area is

¹ Appeal Ref. APP/G5180/D/17/3181502

characterised by a mix of residential properties of varying design and scale. Along with its neighbours, the property benefits from large front and rear gardens, which to the rear are enclosed by well-established hedges.

6. The proposal would introduce a single storey conservatory extension approximately 3.99m in depth by 6.2m in width, with an eaves height of 2.1m and an overall height of about 3m. It would be attached to the existing single storey rear extension and extend over a garden patio area. Combined with the existing rear extension the development would be a sizable rearward projection from the original rear elevation of the property. However, given the extensive area of rear garden coupled with the limited scale of the proposed conservatory I do not find the development to be excessive or disproportionate.
7. Given its modest height and positioning within the rear garden, the development would not be visible from the street scene along Sevenoaks Way. It would, to a limited degree, be noticeable from the rear gardens of its immediate neighbours, however, its overall scale and form would not be out of character with other conservatory extensions within the locality. There would be a separation of approximately 7.5m from the rear elevation of the development and the rear boundary of the site. This would retain a modest area of garden to serve the property. Whilst this would be smaller than neighbouring gardens, it would not have a discernible impact on the character of the surrounding area.
8. Consequently, the proposed development would not have a harmful effect on the character and appearance of the surrounding area. It follows, therefore, that I find no conflict with Policies 6 and 37 of the Bromley Local Plan 2019 (the BLP), Policies 7.4 and 7.6 of the London Plan or the Council's Residential Design Guidance which together seek to achieve high quality design that is compatible with the surrounding area.

Living conditions

9. The proposed conservatory would be no wider than the existing rear extension and would be no greater in height. It would be stepped off the boundary with No 131 by approximately 2.85m and off the boundary with No 135 by about 3m at its closest point. These boundaries comprise dense hedges to a height in excess of 2m.
10. These separation distances, along with the development's hipped roof and limited height, would significantly reduce its visual impact on adjoining neighbours, whether experienced from their rear facing windows or from within their garden areas. Any adverse visual impacts would be further reduced by the mature hedge boundaries flanking either side of the rear garden. While these hedges may not be permanent features, I am mindful that a boundary structure could be erected to a height of 2m without the need for planning permission and could provide a similar visual screen. As such, the development would not be an overbearing or unneighbourly form of development.
11. The Council consider the proposal to be an overdevelopment of the site that would be harmful to the amenities of future occupiers, suggesting that the total building coverage would equate to 35% of the site. I do not consider this to be excessive and find that an adequate area of private amenity space would be retained to the sides and rear of the development.

12. Overall, I find that the development would not have a harmful effect on the living conditions of neighbouring residents, with regard to outlook. Neither would it be harmful to existing or future occupants, with regard to private amenity space. Accordingly, there would be no conflict with Policy 37 of the BLP or the Council's Residential Design Guidance which together seek to achieve adequate standards of amenity.

Conditions

13. I have had regard to the conditions suggested by the LPA and have considered these in the context of the National Planning Policy Framework which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
14. The standard timescale condition is not necessary as development has already commenced. A condition specifying matching materials would be unreasonable as the development is for a conservatory which will have a markedly different appearance to the host property. I see no issue with the proposed materials which are specified on the plans as glazing and white uPVC frames. In the interests of certainty, I have included a list of the approved plans within my formal decision.

Conclusion

15. For the reasons I have set out, the appeal is allowed.

Jeff Tweddle

INSPECTOR