
Appeal Decision

Site visit made on 2 December 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2020

Appeal Ref: APP/G5180/D/19/3238260

48 Stanley Road, Bromley BR2 9JH

- 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 Capel against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02297/FULL6, dated 28 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is described as '*Single-storey rear extension to form new kitchen, dining space, with pitched roof to minimise impact on adjoining neighbour. Loft conversion, including new rear dormer and two roof lights in the front roof slope*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. On my reading of the evidence the Council do not object to the extension, rooflights or loft conversion on the grounds of character and appearance or the effects on the living conditions of neighbouring occupiers, in terms of privacy and light. I agree with that position. Consequently, the main issue is the effect of the proposal on the living conditions of the occupiers of No. 47 Stanley Road in terms of outlook.

Reasons

3. The side elevation of No. 47 Stanley Road has a large bay window, a doorway and further window facing directly onto the part of the appeal site where the single storey extension is proposed. There is also a smaller window in the end of the extension facing the rear garden. The side openings appeared to serve a kitchen/dining area and a table and chairs were clearly visible in the bay window. A set of patio doors with side windows are also located in the ground floor of the dwelling, opening out onto a side patio area.
4. The appellant contends that given the layout of these semi-detached properties the existing side walls of the host property already affect the outlook from No. 47. Although there is some impact, the existing side areas provide a small but important space between the buildings that allows for some visual and spatial relief for occupants of both properties. Whilst these spaces have been developed on both Nos. 45 and 46 Stanley Road, these appeared to be as a result of identical joint extensions to these semi-detached properties so are not directly comparable. Although a 25 degree line would also not be breached by the single storey extension that is only one consideration, is guidance only and

has been referred to principally in regard to loss of daylight to which the Council do not object.

5. Despite an attempt at mitigation by designing the extension with a shallower roof it would extend significantly above the height of the existing boundary fence and be of a considerable depth. Filling the side space and sited significantly closer and in such proximity to the side and rear facing windows of No. 47, in particular the bay window, the proposal would present an overly deep expanse of brickwork and tiled roof with skylights set within it.
6. In my view, this would result in a visually intrusive and oppressive scale of development that would be overbearing to the outlook from No. 47. It would make the living accommodation and side amenity space much less attractive spaces within which to spend time. In this regard it would not represent a high standard of design. For the avoidance of doubt, this would still be the case even if a 2 metre high boundary fence were to be erected as this would only serve to replace views of the extent of blank brickwork that could be seen from No. 47, with a slightly taller timber fence.
7. For these reasons, the proposal would cause harm to the living conditions of the occupiers of No. 47 Stanley Road in terms of outlook. Accordingly, it would conflict with Policy 37 of the Bromley Local Plan 2019 which, amongst other things, requires development to be a high standard of design and respect the amenity of occupiers of neighbouring buildings and those of future occupants. I have been referred to Policy 6 of the UDP but this is a policy that relates to character and appearance to which the Council do not object. It is not therefore relevant to the main issue in this appeal.

Other Matters

8. I have carefully considered the detailed personal statement of the appellant which clearly sets out the rationale for and justification behind the proposal. I accept that it would provide additional and improved accommodation to meet the needs and desires of the appellant and would assist with the ongoing support and care of family members, including elderly relatives. It could also allow for future plans and aspirations to be realised. However, whilst I have some sympathy with the appellant's situation in this appeal, I give greater weight to the harm to the living conditions of existing and future occupiers of No. 47 and the subsequent conflict with the development plan, that I have identified.
9. A lack of objection from neighbouring occupiers is not determinative as I must consider the amenity of both existing and future occupiers. I accept there may also be opinions from others that this is a common form of household extension in the Borough. However, each case is determined on its own merits and such unsubstantiated views have no real bearing on the planning merits of this appeal. Residential dwellings can normally also benefit from permitted development rights for extensions and alterations but there is nothing before me to substantiate what any such rights would allow or what such a scheme would provide. Thus none of these other considerations, on their own or in combination, alter my view in relation to the main issue.

Conclusion

10. My attention has been drawn by the appellant to the National Planning Policy Framework's ('the Framework') presumption in favour of sustainable development. However, the proposal would conflict with an up to date development plan, when read as a whole. As such it would not be the sustainable development for which paragraph 11 of the Framework indicates a presumption in favour. Paragraph 12 also states that such development should not usually be granted.
11. Drawing my conclusions together, material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan. Having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR