



Appeal Decision

Site visit made on 7 January 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2020

Appeal Ref: APP/G5180/D/19/3238619

237 Pickhurst Lane, West Wickham BR4 0HJ

- 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 Jia against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03043/FULL6, dated 11 July 2019, was refused by notice dated 26 September 2019.
 - The development proposed is described as 'retention of balustrade / screening on top of an existing extension (part) with new dwarf balcony wall at rear to replace balustrade previously approved'.
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Decision

1. The appeal is allowed and planning permission is granted for balustrade / screening on top of an existing extension (Part) with new dwarf balcony wall at rear at 237 Pickhurst Lane, West Wickham BR4 0HJ in accordance with the terms of the application, Ref DC/19/03043/FULL6, dated 11 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 11_(PL)_101, 11_(PL)_301 and 11_(PL)_401.
 - 3) Within three months of the date of this decision, prior to the erection of the proposed new dwarf balcony wall, the details of the colour, texture and size of the external facing bricks to be used in its construction shall be submitted to and approved in writing by the Local Planning Authority. Within a period of six months from the date of this decision, the proposed new dwarf balcony wall shall be constructed in accordance with the approved bricks and thereafter maintained.

Procedural Matter

2. Despite the description of development set out above, I consider the description found on the Decision Notice and the Appeal Form better reflects the scheme that is before me and that which the Council considered. However, I have omitted reference to the words 'retention of', as it does not form part of the description of development. The development proposed is therefore for 'balustrade / screening on top of an existing extension (Part) with new dwarf balcony wall at rear'. I observed during my site visit that parts of the appeal scheme have already been implemented. Nonetheless, as those

elements do not differ from that shown on the proposed plans, I have dealt with the appeal on the basis of the revised description outlined above and the development shown on the proposed plans and elevations referenced: 11_(PL)_101, 11_(PL)_301 and 11_(PL)_401.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.

Reasons

4. The appeal site is situated within an area that is residential in character and occupied by a detached dwelling incorporating three storeys. Along with 239 Pickhurst Lane, the appeal property is positioned in an area of land to the rear of properties in Pickhurst Lane, Wickham Chase and The Avenue.
5. The proposal relates to the rear of the appeal property, which has been altered and extended. It has a simple yet contemporary appearance, a significant proportion of which is glazed. This includes tinted glass balustrades to the edge of the flat roof of a single storey rear extension and to a Juliet balcony at second floor. The remainder of the façade is smooth render painted in white.
6. Given the topography of the surrounding area and the elevated nature of the flat roof at the rear of the appeal property, the glass balustrade will be clearly visible from several neighbouring properties and their gardens. The proposed new dwarf balcony wall would also be visible through the glass balustrade but to a lesser extent, as it would be aligned with the rear façade of the first floor of the dwelling.
7. I appreciate that the glass balustrade will not necessarily replicate the architectural form and appearance of the residential properties to be found in the locality. However, it will not be visually intrusive and will be complementary to the contemporary architecture of the extensions to the appeal property. In particular, given its transparency and the slender nature of the metal supporting columns and rails, it will have a lightweight appearance that is limited in its scale and extent. As such, it will not add significantly to the scale of the dwelling or unacceptably increase its visual prominence in the locality.
8. The Application Form and drawings accompanying the planning application do not state the colour, texture or size of the bricks that would be used in the construction of the proposed new dwarf balcony wall. I accept that a contrasting brick colour and texture may not complement the smooth rendered finish of the host dwelling, but the use of brick would not in itself be an inappropriate material of construction. Moreover, given the location and extent of the proposed wall, with careful consideration of the colour, texture and size of the brick to be used in its construction, the wall would not jar with the architecture of the host property or the character of the surrounding area.
9. I therefore conclude that the proposed development will/would not have a harmful effect on the character and appearance of the existing dwelling and the surrounding area. Hence the proposals will/would accord with Policies 6 and 37 of the London Borough of Bromley Local Plan (Adopted January 2019) and Policies 7.4 and 7.6 of The London Plan (Consolidated with Alterations Since 2011, Adopted March 2016). Together these policies require that all development proposals, including extensions to existing buildings, will be

expected to be of the highest architectural quality, imaginative and attractive to look at and comprise details and materials that complement, not necessarily replicate, the local architectural character.

Other Matters

10. I note that several third parties have raised concerns with regard to the use of the flat roof area above the single storey extension as a terrace. In particular, the effect of its use on their privacy and the adequacy of the glass balustrade to restrict overlooking. However, the appeal scheme does not propose for the roof to be used as a terrace and this aspect is not before me to consider.
11. The Council did not raise any concerns with regard to living conditions, subject to planning conditions being imposed in relation to the formation of the proposed dwarf balcony wall and its permanent retention, and to ensure that the flat roof is not used as a terrace. The former is referred to in the Conditions section below but the latter is not necessary given that there are already such controls in place¹. Consideration of this matter does not therefore lead me to a different conclusion on the main issue.

Conditions

12. I have specified in the decision that the development shall proceed in accordance with the proposed plans and elevations for the avoidance of doubt and in the interests of certainty. Planning permission is granted subject to the standard three-year time limit condition.
13. A condition relating to the approval of the external facing bricks to be used in the construction of the proposed new dwarf balcony wall is necessary to ensure that the appearance of the wall would be satisfactory in relation to the existing dwelling. I have specified that these details shall be agreed within three months of the date of this decision and that the timeframe to comply with the condition shall be six months. These would be realistic amounts of time for the appellant to agree the facing brick with the Council and then undertake the works required to meet the condition. I have also specified that the wall should remain in place in the future, as this is necessary to restrict access to the roof area to maintain the privacy of neighbouring occupiers.
14. However, as I have referred to above, the planning condition referred to by the main parties which would specifically prohibit the use of the flat roof area as a terrace is not included, as it is not necessary.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR

¹ Condition No 4 imposed on the planning permission for the single storey rear extension (Planning Reference: 17/01330/FULL6) required "the flat roof area of the single storey extension to the western elevation shall not be used as a balcony or sitting out area and there shall be no access to the roof area".