



Appeal Decision

Site visit made on 14 January 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Appeal Ref: APP/G5180/D/19/3239641

58 Lancing Road, Orpington BR6 0QX

- 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 Dourmough against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/01285/FULL6, dated 15 March 2019, was refused by notice dated 13 August 2019.
 - The development proposed is single storey rear extension to form BBQ area – retrospective application.
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Decision

1. The appeal is allowed, and planning permission is granted for single storey rear extension to form BBQ area – retrospective application at 58 Lancing Road, Orpington BR6 0QX in accordance with the terms of the application Ref DC/19/01285/FULL6, dated 15 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: 3325-19-PL201 (Revision P2).
 - 2) The external surfaces of the extension hereby permitted shall be retained in accordance with the materials shown on approved plan number: 3325-19-PL201 (Revision P2).

Procedural Matters

2. The application form indicates that the proposed development has already taken place and I saw that this was the case at my site visit. I have therefore determined the appeal on this basis.
3. When on my site visit, I also observed what appeared to be detached garden building that was under construction and partially completed. From the evidence submitted by the appellant this building appears to have been recently granted a certificate of lawful development by the Council. Notwithstanding this partially constructed building being in place, I have considered the appeal based on the plans submitted to and considered by the Council, which form the basis of the scheme that is before me. This is in the interests of impartiality and fairness in accordance with the principles of natural justice.

Main Issues

4. The main issues are:

- The effect of the proposed development on the character and appearance of the area; and
- The effect of the proposed development on the living conditions of the occupiers of no. 56 Lancing Road having particular regard to matters of outlook.

Reasons

Character and Appearance

5. The appeal property is a two-storey detached dwelling with a large back garden and a driveway to the front. The property also has an existing ground floor rear extension and a partially constructed single storey detached garden building to the rear of the back garden. The surrounding area is predominately residential largely consisting of detached properties with similar architectural design styles with many of them also having sizeable rear gardens with either smaller gardens or driveways to the front.
6. The proposed development relates to the construction of a ground floor rear extension to create a covered barbeque area close to the shared boundary with no. 56 Lancing Road which has a design similar to that of the host property using similar materials. The proposed extension is additional to an existing ground floor rear extension to the host property that also projects along the shared boundary with no. 56.
7. The Council have raised concerns in relation to the proposal in that it in combination with the existing ground floor extension (and the permitted detached garden building) means that the plot is substantially more developed than those of neighbouring properties and so appears out of character with them and those in the surrounding area.
8. I acknowledge that the proposal increases the amount of development in the rear garden of no. 58 and that this is not exactly the same as that of neighbouring properties. However, this does not mean that it is out of character with other properties in the surrounding area or its prevailing pattern of development. Indeed, based on the evidence before me there are several other examples of ground floor extensions and detached buildings to the rear of other properties on the southern side of Lancing Road which project a similar distance along their respective shared boundaries. Accordingly, I consider the proposal to be in keeping with the established pattern of development in the area thereby not harming its character and appearance.
9. I have had regard to the objections raised by third parties in relation to the proposed development which in the main reflect the concerns raised by the Council in relation to the amount of development on the appeal site and its visual impact. However, for the above reasons set out above they have not altered my decision in relation to this main issue.

10. Consequently, based on the evidence before me, I consider that the proposed development does not unacceptably harm the character and appearance of the area. I therefore conclude, on this main issue, that the proposed development accords with policies 6 and 37 of the Council of the London Borough of Bromley Local Plan (BLP) (adopted January 2019) which aim to ensure that new development proposals are of a high standard of design and layout, and that the scale, form and materials of residential extensions complement those of the host dwelling and are compatible with development in the surrounding area, amongst other considerations.

Living Conditions

11. The Council has also raised the concern that the proposed rear extension in addition to the existing one (and the detached garden building) results in a significant amount of development spanning the length of the shared boundary with no. 56 causing *'an overbearing visual impact and sense of enclosure to the rear windows and amenity space of this property'* thereby harming the living conditions of its occupiers.
12. On my site visit I observed that there was a significant amount of planting in place along the appeal property's shared boundary with no. 56 which was much higher than the apex of the roof of the proposal which is itself lower than that of the existing rear extension. This planting also extends to the rear boundary and was clearly also above the height of the detached garden building. In addition, no. 56 also has a ground floor rear extension along the shared boundary which provides additional screening of the proposal. Consequently, I consider that the boundary planting and the existing rear extension to no. 56 sufficiently screen the proposal (and the detached garden building) from the rear windows and garden space of no. 56 thereby mitigating any potentially unacceptable adverse visual impact. As a result, I consider that the proposal does not have an adverse visual impact that causes a loss of outlook or creates a sense of enclosure for the occupiers of no. 56.
13. I note the Council's point that the proposal is a permanent structure whilst the boundary planting is temporary. However, it would be unlikely that the neighbouring occupiers would remove this boundary planting. In any event, given the fact that the proposal is of a lower height than the existing ground floor rear extension to the host property and that there is a ground floor rear extension to no. 56 (which is close to the shared boundary), it would be reasonable to think that even if the planting was removed that this neighbouring permanent structure would still provide sufficient screening of the proposal to mitigate any potentially adverse visual impact.
14. I have also had regard to the objections raised by third parties in relation to the proposed development which in the main reflect the concerns raised by the Council in relation to its impact on the living conditions of neighbouring occupiers. However, for the above reasons set out above they have not altered my decision in relation to this main issue.
15. Accordingly, based on the evidence before me, I consider that the proposed development does not unacceptably harm the living conditions of neighbouring occupiers. I therefore conclude, on this main issue, that the proposed development accords with Policy 37 of the BLP (adopted January 2019) which aims to respect the amenity of occupiers of neighbouring buildings and those of future occupants, amongst other considerations.

Other Matters

16. Neighbouring occupiers have also raised concerns in relation to several other matters including loss of privacy, loss of light, noise and disturbance, permitted development rights, unauthorised development, precedent, party wall agreements, fire safety, potential damage to tree roots and building foundations, potential build-up of refuse, potential increase of urban foxes, potential loss of wildlife habitat, and the potential destruction of trees and foliage. However, as the Council have not raised any concerns in relation to these matters, I have not pursued them further.
17. A number of concerns were also raised by neighbouring occupiers in relation to the partially constructed detached garden building. However, as that development is not being considered as part of this s78 appeal it is of little relevance to this case, so I have not pursued these matters further.

Conditions

18. The Council has not requested that any planning conditions be imposed other than those relating to: the standard commencement time-limit; the requirement for materials to match the host property; and that the development permitted be in accordance with the approved plans.
19. However, as the proposal is retrospective, I have only imposed slightly modified versions of the second and third suggested conditions. The first being necessary to ensure that the development is retained in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning; and the second being necessary to ensure that the materials the development is built of are retained in accordance with those shown on the approved plans, in the interest of the character and appearance of the area.

Conclusion

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

C Coyne

INSPECTOR