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## Appeal Decision

Site visit made on 22 January 2020

**by M Seaton DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 February 2020**

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**Appeal Ref: APP/G5180/D/19/3240216**

**47 Court Farm Road, Mottingham, Bromley, SE9 4JN**

- 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 Vasil Varenyck against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/19/02285/FULL6, dated 30 May 2019, was refused by notice dated 15 August 2019.
  - The development proposed is a single storey garage extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and,
  - whether the proposed development would safeguard the living conditions of the neighbouring occupiers of No. 15 Lulworth Road, having regard to outlook.

### Reasons

#### *Character and appearance*

3. The appeal site is occupied by a two-storey semi-detached dwelling located at the junction between Court Farm Road and Lulworth Road. The property possesses a large rear garden within which is located an existing garage which is indicated to be approximately 4m from the boundary with Lulworth Road, and is 3m wide and 5m deep. A further substantial detached structure is also positioned within the rear garden.
4. The resultant garage building would be significantly increased in size to dimensions of 4.9m width, 8.8m depth, and a height of 3.3m to eaves with a maximum height of 4m. I acknowledge that it is proposed that the development would utilise materials to match the existing building, although the footprint of the proposed building would effectively be for the full width of the appeal plot. Whilst I note that the front of the existing structure already exceeds the front building line which is established on Lulworth Road, the visual impact of the resultant building would be significantly greater due to the footprint extending even further towards and to the edge of the pavement, and

due to the increased height and bulk of the structure. This would appear as a significantly obtrusive and incongruous feature within the street scene.

5. For these reasons, the proposed development would result in a significant adverse impact on the character and appearance of the street scene and area. This would conflict with Policy 37 of the London Borough of Bromley Local Plan 2019 (the Local Plan), which seeks to ensure that development is of a high standard of design and layout, is compatible with the surrounding area, and positively contributes to the street scene.

#### *Living conditions*

6. The resultant building would be set on the boundary with No. 15 Lulworth Road, and would extend to the pavement edge adjacent to the neighbouring driveway. It is evident that whilst the resultant development would be visible from first floor windows, its size would not impinge upon outlook to an unacceptable degree from these windows. However, whilst the orientation of the front elevation of the neighbouring dwelling means that the direct outlook from the ground floor bay window would be across Lulworth Road towards properties on the opposite side, the impact of the position, size and bulk of the resultant building would be experienced from the ground floor bay window within the periphery of the available outlook, and would have a limited adverse impact for this reason.
7. For this reason, the proposed development would not safeguard the living conditions of the neighbouring occupiers of No. 15 Lulworth Road, having regard to outlook. This would not accord with Policy 37 of the Local Plan, which sets out the need for development to respect the amenity of occupiers of neighbouring buildings and occupiers.

#### **Other Matters**

8. Interested parties have raised additional concerns over the purpose and future use of the proposed building, and whether its use would result in disturbance to the immediate vicinity through noise, fumes, extra traffic, parking and disruption. However, whilst I have had regard to these submissions, the proposal has been applied for on the basis of an ancillary use to the residential occupation of the existing dwelling, and in the absence of any definitive evidence to support these concerns regarding the future use of the building, the appeal has been assessed solely on the basis of it representing an ancillary use.

#### **Conclusion**

9. For these reasons, and in the absence of any other compelling material considerations, the appeal is dismissed.

*Martin Seaton*

INSPECTOR