



Appeal Decision

Site visit made on 9 March 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/G5180/W/19/3241955

68 Bushey Way, Beckenham BR3 6TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Eric Green against the Council of the London Borough of Bromley.
 - The application Ref 19/03247/FULL6, is dated 24 July 2019.
 - The development proposed is demolition of the existing attached garage and outbuildings, the construction of a two storey side extension and a part one part two storey rear extension and roof extensions with roof lights to side elevations & Juliet balcony to rear.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing attached garage and outbuildings, the construction of a two storey side extension and a part one part two storey rear extension and roof extensions with roof lights to side elevations & Juliet balcony to rear at 68 Bushey Way, Beckenham BR3 6TD, in accordance with the terms of the application Ref 19/03247/FULL6, dated 24 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P010; P020B; P001F; P002C.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building, unless otherwise indicated on the approved plans.

Background and Main Issues

2. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. Since the appeal was submitted the Council has indicated that it would have refused planning permission because of the effects on the character and appearance of the host property and surrounding area, as well as on the living conditions of the occupiers of 70 Bushey Way. No concerns were raised in respect of the effect on 66 Bushey Way, and I have no reason to take a different view.
3. Accordingly, I identify that the **main issues** in this appeal are the effect of the development on i) the character and appearance of the host building and surrounding area; and ii) the living conditions of the occupiers of 70 Bushey Way, with particular regard to outlook and light.

Reasons

Character and appearance

4. No 68 is a two-storey detached property located in the Park Langley Area of Special Residential Character, which is characterised by large detached two-storey houses on long verdant plots in a garden suburb setting.
5. The proposal would result in a number of extensions which would add considerably to the massing of the building and alter the principal roof form. However, No 68 is one of only a few properties in the vicinity which has not been significantly extended. Some properties appear to have had their roofs raised and there is now a variety in roof size and form, including numerous properties with central crown roofs. The spacing between the extended properties is compact, such that the spacious character of the area is derived primarily from the wide, straight road and long rear gardens.
6. From the street, the proposed forward projection, roof form and spacing to No 70 would be entirely consistent with the other extended properties on Bushey Way, and despite the overall scale, would still respect the architectural integrity of the host building. The depth would be only partially visible, if looking between the appeal property and its neighbours. Thus, the development would not result in the appeal property appearing as a dominant or incongruous feature in the street scene.
7. The majority of the massing would be located to the rear, but the properties here have long rear gardens featuring mature trees and other established planting. The depth of the rear extensions would be limited in the overall context of the size of the rear garden and would not harm the spacious verdant character to the rear. Moreover, the rear elevations do not display any consistency in building lines or appearance due to the variety of extensions and roof alterations, including dormers, already present. In this context and given the limited private vantage points from which it would be seen, the development would not be intrusive or out of keeping with the local development pattern and character of the area.
8. I conclude, on this issue, that the development would not be harmful to the character and appearance of the host building and surrounding area. Thus, the proposal complies with Policies 7.4 and 7.6 of the London Plan (2016) (LP), Policies 6, 37 and 44 of the London Borough of Bromley Local Plan (2019) (BLP), and the Council's No 2, Residential Design Guidance Supplementary Planning Guidance (SPG), in so far as they require development to respect, compliment and protect local character, the appearance of the host dwelling and the distinctive qualities of Areas of Special Residential Character.
9. The Council also referred to LP Policy 7.8, but it did not identify any concern in relation to heritage assets and archaeology and I find it to be of little relevance to the appeal scheme. In any event, I find no conflict with this policy.

Living conditions

10. No 70 is also a two-storey detached property with a long rear garden. It has a two storey bay at the rear, near to the boundary fence with No 68. The ground floor windows of the bay serve a living room with a south east aspect enjoying good levels of sunlight and outlook.

11. The drawings show that the rear extensions would project beyond the end of No 70's bay by some 2.75m at first floor level and 5m at ground floor level. However, despite some disagreement between the parties over the precise distance between the extensions and the boundary, a gap would remain between the properties. Moreover, No 70 benefits from a long rear outlook, which would not change. I also note that the roof at ground floor would have a hipped form that would reduce in height and slope away from the boundary. Therefore, whilst I accept that the extensions would be visible from the rear garden and rooms of No 70, any visual intrusion or loss of outlook and sunlight would be limited, and would not in my view be significant.
12. In reasoning the above I have been mindful of the various suggestions put forward in the representations from No 70, including further reduction to the first floor projection and lowering the eaves of the single-storey element. However, I have not been provided with any policy or evidential basis on which such requirements would be justified. Furthermore, even if the proposed extensions are larger than others in the vicinity, this would not in itself be a reason to withhold planning permission. Each scheme must be judged on its own merits, which is the approach I have taken.
13. I conclude, on this issue, that the development would not harm the living conditions of the occupiers of No 70 with regard to outlook and light. Thus, the proposal complies with LP Policy 7.6, BLP Policy 37, as well as the SPG, in so far as they seek to ensure that development does not harm the living conditions of occupiers of neighbouring buildings.

Conditions

14. I have considered the Council's suggested conditions in the light of the National Planning Policy Framework and the Planning Practice Guidance. Where necessary, I have amended the wording to ensure clarity and precision, and I have imposed only those conditions which meet the relevant tests.
15. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. No justification has been provided for further approval of external materials so I have amended the condition to require matching materials in the interests of visual appearance. Obscure glazing to the first floor side bathroom windows is indicated on the drawings and I have not been provided with justification for their opening to be restricted, so a condition to this effect is not reasonable or necessary and is not imposed. A landscaping condition, including hard surfacing details, is not reasonable or necessary in this case so it is not imposed.

Conclusion

16. For the reasons given and having taken into consideration all matters raised, I conclude that the appeal should be allowed.

Adrian Caines

INSPECTOR