



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: 15 April 2020

Appeal Ref: APP/G5180/D/19/3239785

70 Kingswood Road, Penge, London, SE20 7BN

- 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 Ms Francesca Canty against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02821/FULL6, dated 28 June 2019, was refused by notice dated 3 September 2019.
 - The development proposed is a part one/two storey rear infill extension, rear rooflights, conversion of existing detached garage into a habitable granny annex block with building height increased, new wall at front boundary, replacement of the timber fence above rear garden walls and extend garden walls up to the top of the timber fence.
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Decision

1. The appeal is allowed and planning permission is granted for a part one/two storey rear infill extension, rear rooflights, conversion of existing detached garage into a habitable granny annex block with building height increased, new wall at front boundary, replacement of the timber fence above rear garden walls and extend garden walls up to the top of the timber fence at 70 Kingswood Road, Penge, London, SE20 7BN, in accordance with the terms of the application, Ref. DC/19/02821/FULL6, dated 28 June 2019, and 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: Drawing Nos. 70KR_PL(000) (Location and block plans), 70KR_PL(001) Rev. A (Existing and proposed site plans), 70KR_PL(002) Rev. A (Existing vs proposed ground floor plans), 70KR_PL(003) Rev. A (Existing vs proposed first floor plans), 70KR_PL(004) (Existing vs proposed roof plans), 70KR_PL(005) ((Existing section A-A & key plans), 70KR_PL(006) Rev. A (Proposed section A-A & key plans), 70KR_PL(007) (Existing front elevation), 70KR_PL(008) Rev. A (Proposed front elevation shows the front garden wall alteration), 70KR_PL(009) Rev. A (Existing rear elevation), 70KR_PL(010) Rev. A (Proposed rear elevation of the main house), 70KR_PL(011) (Existing side (west) elevation and key plans), 70KR_PL(012) Rev. A (Proposed side (west) elevation and key plans), 70KR_PL(013) (Existing side (east) elevation and key plans), 70KR_PL(014) Rev. A (Proposed side (east) elevation and key plans, 70KR_PL(015) (Existing front elevation of the detached garage), 70KR_PL(016) Rev. A (Proposed front elevation of converted garage) &

70KR_PL(017) Rev. A (Existing and proposed rear elevations of the detached garage).

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. The residential annexe hereby permitted shall not be occupied as a separate independent unit of accommodation and shall only be occupied wholly ancillary to the residential use of the dwelling, No. 70 Kingswood Road.

Application for costs

2. An application for costs was made by Ms Francesca Canty against the Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Main Issue

3. The Council has indicated that the rear infill extensions and alterations to the host property, as well as the alterations to the boundary walls, would be acceptable. I have had regard to these elements of the proposal and I see no reason to disagree with these conclusions in the context of the overall site and area.
4. Despite the above, the Council retains concerns regarding the future occupation of the residential accommodation within the converted garage and whether it would ultimately result in the creation of a separate substandard residential unit, which it is contended would result in an overdevelopment to the detriment of the character of the surrounding area. In this instance, this is the main issue.

Reasons

5. The appeal site occupies a position at the junction between Kingswood Road and Station Road and is occupied by a two-storey end of terrace dwelling. The side boundary of the property and rear garden is on to Kingswood Road, with an existing single storey detached garage set towards the end of the rear garden adjacent to the flank elevation of No. 68 Kingswood Road. It is this existing structure which the appellant is seeking to convert to provide a habitable granny annex.
6. The converted building's layout is shown on the submitted plans as including a living/sleeping area with a separate toilet/shower room, but no kitchen area. The accommodation is indicated to be a total area of 11.5 m² with the appellant highlighting in the submitted Design & Access Statement that it would provide a 'Guest Suite' to be used in an incidental role to the main house. The proposed building would also incorporate a modest increase in the existing height by 0.3 metres to provide an increased ceiling height as well as the replacement of the existing garage door to Kingswood Road with a wall.
7. The planning application is clear that it proposes a residential annexe and it was submitted to the Council as a householder development in this respect. It shares its outdoor amenity space with the main house, and its single aspect outlook is towards it at relatively close quarters. However, the Council's concerns centre around the potential severability of the annex from the

occupation of the main dwelling due to the position and availability of a side pedestrian gate from the rear garden on to Kingswood Road.

8. I have had careful regard to this concern but there is no indication or suggestion that it would be used as the sole means of access by any occupants of the annexe. The limited size of the rear garden would render any potential sub-division either for amenity or access as unrealistic, and there is no evidence before me that the accommodation provided by the main dwelling and the outbuilding would not function as a single entity, particularly given the absence of kitchen facilities as proposed. With no compelling evidence provided by the Council to the contrary, I see no reason why an appropriately worded condition exercising control over future occupation ancillary to the main building would be unreasonable or indeed unenforceable in this instance.
9. I have noted the appellant's reasoning related to the need to retain the side gate for the purposes of access and maintenance of drainage by Thames Water and others, but as a consequence of the conclusions which I have reached as set out in reasoning, I do not find this to be a matter that has been critical to my decision-making in this instance.
10. I am satisfied that the physical alterations to facilitate the conversion of the existing outbuilding would not result in an adverse impact on the character and appearance of the area. For the reasons as set out above, I do not regard the proposed residential annexe as representing a separate unit of accommodation and therefore an overdevelopment of the area. I do not find there to be conflict with Policy 7 of the London Borough of Bromley Local Plan 2019, which seeks to ensure that accommodation for family members is not severed from the main dwelling, is in keeping with the design and scale of the existing dwelling, and that access is maintained through the original dwelling.

Conditions

11. The Council has suggested the imposition of conditions within their appeal submissions. In addition to conditions regarding timeliness and adherence to the submitted plans, I am satisfied that a condition securing the use of matching materials would be reasonable in the interests of the character and appearance of the area. I am also satisfied on the basis of the evidence submitted, that a condition securing the future occupation of the accommodation as ancillary to the existing dwelling would be both reasonable and necessary and have therefore also imposed this condition.
12. Whilst I am mindful that the Highway Authority also suggested several conditions, I have not been provided with any detail related to the format or wording of these conditions, and in any event given the nature of the proposed development I am not satisfied that they are necessary for the development to be acceptable in planning terms.

Conclusion

13. For the reasons given, and subject to the conditions as set out, the appeal is allowed.

Martin Seaton

INSPECTOR