
Appeal Decision

Site visit made on 2 September 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/G5180/D/20/3249200

23 Bushey Way, Beckenham BR3 6TA

- 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 and Mrs Travis against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/05103/FULL6, dated 26 November 2019, was refused by notice dated 11 February 2020.
 - The development proposed is a part one/two storey side/rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a part one/two storey side/rear extension at 23 Bushey Way, Beckenham BR3 6TA in accordance with the terms of the application, Ref DC/19/05103/FULL6, dated 26 November 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: 1594/P3/01, 1594/P3/02 and 1594/P3/03.
 - 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the Park Langley Area of Special Residential Character.

Reasons for the Recommendation

4. The appeal property is a two-storey semi-detached dwelling with a detached garage to the side, located within the Park Langley Area of Special Residential Character (ASRC). The surrounding area, within the ASRC, is largely comprised of detached and semi-detached properties, which are varied in design, set back

from the road and on spacious plots. The proposed development includes a part single storey, part two-storey extension to the rear and a single storey side extension.

5. The proposal would increase the overall size of the building at both ground floor and first floor levels. However, the plot has ample space to accommodate such extensions and the development would still maintain the spacious characteristics of the ASRC, as well as the distinctive long sloping roof feature identified in the previous appeal at this site as a distinctive feature of the site and its surroundings. Furthermore, as the proposal would be largely located to the rear with its height significantly lower than the maximum height of the host dwelling and the side extension set well back from the front elevation, it would appear as a subservient addition to the host dwelling. Therefore, it is not considered that the proposed extension would be excessive in size or result in the overdevelopment of the site. The extension to the rear would only project 0.3 metres beyond the adjacent conservatory at No.21 and therefore it would not have a substantial impact on the prevalent rear building line.
6. The proposal would have limited visibility from the front of the dwelling with only some distant views of the rear extension from Overhill Road to the side of the appeal site. Due to its limited visibility from the public realm and the subservient design, the proposal would have little impact on the character and appearance of the ASRC and the dwelling would not appear out of keeping with surrounding dwellings, many of which also have various extensions and are varied in appearance. It would also not significantly unbalance the pair of semi-detached dwellings, in which the appeal property is located, which are not currently symmetrical from the front or rear.
7. Consequently, the proposed development would not harm the character and appearance of the Park Langley Area of Special Residential Character and would not be contrary to Policies 6, 37 and 44 of the London Borough of Bromley Local Plan (2019). These policies ensure that the scale and form of new development should respect or complement those of the host dwelling and be compatible with development in the surrounding area, has a high standard of design and layout and should respect, enhance and strengthen the special and distinctive qualities of the ASRC.

Other Matters

8. Concerns have been raised regarding loss of light and privacy to the occupiers of the neighbouring properties; Nos. 21 and 25. However, due to the distance of the proposed two-storey element from either boundary, and as the single storey side element would be further from the boundary with No 21 than the existing garage, I am satisfied that there would be no unacceptable loss of light to the occupiers of either neighbouring property. The daylight and sunlight assessment submitted by the appellant supports my view as it calculates that the development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings. The first-floor windows in the proposed extension would also not result in any significantly greater overlooking than is currently experienced from the first-floor windows in the existing dwelling.
9. Previous appeal decisions for a property at 90 Malmains Way, Beckenham have been brought to my attention, and which were dismissed in relation to a loss of light to neighbouring properties. However, the specific circumstances of this

case, including the scale and position of the development in relation to neighbour's windows are not before me and therefore it is not possible to compare this case to the current appeal. Case law relating to the legal right to light has also been mentioned within a third-party representation, however this is a civil matter.

10. Similarly, although it has been highlighted that the existing garage, which would be removed, currently provides a boundary wall with the neighbouring property at No.25, arrangements for a replacement boundary feature are not matters for this appeal, nor is there any need for separate planning permission for its demolition. Reference is also made to an outbuilding and the loss of trees recently. However these matters also have little bearing on my consideration of this proposal.
11. It has been suggested that the proposed third bedroom within the first-floor extension would not meet spatial standards. Although the bedroom does appear somewhat smaller than the other two bedrooms on the proposed floor plan, no substantive evidence has been provided to suggest that it would fall below any required standards.

Conditions

12. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty. A condition requiring the use of materials to match the main house is also necessary to ensure an appropriate appearance for the development.

Conclusions and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR