

Appeal Decision

Site visit made on 29 September 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/G5180/D/20/3252406

23 Oakfield Lane, Keston BR2 6BY

- 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 Tony Welch against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/00489/FULL6, dated 4 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is ground floor rear and side extension and first floor extension to create two storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extensions on the character and appearance of the host dwelling and street scene; and the effect on the living conditions of the occupiers of No 21 Oakfield Lane, with regard to outlook and natural light, and the occupiers of No 25 Oakfield Lane, with regard to outlook.

Reasons

Character and Appearance

3. The appeal property is a detached dwelling comprising part single and part two storey elements. It is located in a residential cul-de-sac, with mature trees and nearby woodland providing a verdant setting. The majority of properties in Oakfield Lane are relatively large two storey detached dwellings of varied design, age and appearance.
 4. The parties refer to a previous application for similar development that was refused (reference 19/03357/FULL6). While I note this earlier application, the current appeal involves a separate proposal which I have considered on its own merits.
 5. Policy 6 of the Council's Local Plan concerns residential extensions and, amongst other criteria, requires that the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area. Policy 37 of the same
-

plan requires, amongst other matters, that development should positively contribute to the existing street scene.

6. The existing dwelling is set well back from the road frontage and on lower ground than its immediate neighbours. With its two storey front and rear gables of limited scale and single storey elements to the front and sides, it is a smaller dwelling and less prominent in the street scene than the surrounding properties.
7. The proposed extensions would significantly change the host dwelling's character and appearance by replacing the upper floor with a full two storey extension that would raise the eaves height and create a much larger roof area. However, the existing dwelling does not include any design features of particular significance and, therefore, is of limited architectural merit in its own right. Consequently, altering it to a dwelling of similar size and overall appearance to the majority in the surrounding area would not be materially harmful.
8. The extended dwelling would incorporate a similar degree of separation as between other dwellings in the street and would not, therefore, appear as a cramped form of overdevelopment in its setting. Moreover, while the roof height would be raised, the fact that the dwelling stands on lower ground would help to mitigate the effects of the additional bulk and larger roof profile.
9. There is no prevailing roof type within the street scene. Properties predominantly have pitched roofs, but there is considerable variety in how these are arranged across different properties. While there are no examples of the type of crown roof proposed here, given the variety of roof form that already exists this feature would not be so incongruous or sufficiently prominent to result in unacceptable harm to the street scene.
10. Accordingly, for the reasons given, I conclude that the proposed extensions would not have an unacceptably harmful effect on the character and appearance of the host dwelling and street scene. As such, the proposal is not contrary to Policies 6 and 37 of the Local Plan, referred to above. Also, there is no conflict with Policies 7.4 and 7.6 of The London Plan, which concern the design quality of development and its effect on local character. These policies are consistent with the National Planning Policy Framework, particularly section twelve concerning good design.

Living Conditions

11. The rear building line of No 21 Oakfield Lane next to the appeal property is broadly in line with the two storey front building line of No 23. In terms of outlook, there would be no harmful effects from the larger building with regards to the side elevation of No 21, as the closest window includes obscured glass; and the outlook from ground floor windows would remain towards the boundary fence and planting.
12. Similarly, to the rear of No 21 views from the ground floor windows would be of the boundary fence and vegetation. It would be possible to gain views of the extended dwelling standing close to the nearest upper floor window in the rear elevation, but the most direct views from here would remain towards No 21's rear garden. From the garden itself the bulkier two storey element and raised

roof height would make the appeal property materially more visible. Despite the setback from the boundary provided by the retained single storey gabled element and boundary planting, the extended dwelling would be a larger and more significant presence, which would have some effect on the neighbouring occupiers' reasonable enjoyment of their garden.

13. With regard to light, the relative position of No 23 setback from No 21, means that any substantive overshadowing from the larger dwelling would predominantly affect the neighbouring garden. However, the setback of No 23's two storey element from the boundary and the intervening vegetation would be likely to result in only limited effects on part of the garden that would not cause material harm.
14. Turning to No 25, this dwelling is also positioned further forward than the appeal property and is adjacent to the garage and front half of No 23. A good degree of openness is maintained to the side at present due to the appeal property's single story side element and pitched roof sloping away from the boundary. These elements would be replaced by the extended flank wall and taller roof. Despite the separation from the boundary, this would result in an unrelieved extent of two storey wall and substantial roof slope extending well beyond No 25's rear building line to run alongside the shared garden boundary.
15. I agree with the Council's assessment that due to the relative orientation of the properties, the increased size of the appeal property would not result in a loss of natural light to No 25. However, the height, depth and proximity of the extended side wall and roof would be visible from the rear of No 25, particularly close to the house and within other parts of the garden. From these views the two storey extended dwelling and bulky roof would appear as overbearing and dominant features, particularly in comparison to the existing effects of the appeal property, which appears to have been designed to reflect the potential effects of its layout further back on its plot than its neighbours. As such, the proposal would materially harm the reasonable use and enjoyment of the neighbouring garden. I acknowledge that some boundary planting exists and could be supplemented to help mitigate some of these effects, but the permanence and necessary extent of this cannot be guaranteed to overcome the harmful effects described.
16. Therefore, for the reasons given, the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of Nos 21 and 25 Oakfield Lane, with regard to outlook. As such, the proposal conflicts with Policy 37 of the Local Plan to the extent that it addresses the effects of development on residential amenity. There would be no such harm, however, for No 21 with regard to natural light.

Other Matters

17. I acknowledge that the proposed extensions are intended to create additional living space. However, these personal circumstances do not overcome the permanent harm and policy conflict that I have found would result from the proposal.
18. In determining this appeal, I have had regard to all the representations made by interested parties. However, these do not raise any additional matters to

those already considered that would have a bearing on the overall conclusion and decision in this case.

Conclusion

19. While I have found in the appellant's favour with regard to the first main issue concerning the effect on character and appearance, this is not sufficient to outweigh the material harm and conflict with development plan policies that has been found with regard to the other main issue, concerning the effect on the living conditions of neighbouring occupiers. Therefore, for the reasons given, it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR