
Appeal Decision

Site visit made on 1 September 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/P1560/W/20/3239908

11 Hawthorndene Road, Hayes, Bromley, Kent BR2 7DY

- 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 David Boardman against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02454/FULL6 dated 5 June 2019, was refused by notice dated 9 August 2019.
 - The development proposed is two storey side extension incorporating balcony to rear, loft conversion with dormer to rear and juliet balcony, roof lights to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been decided based on the proposal and the information submitted with the application Ref DC/19/02454/FULL6, dated 5 June 2019. Although an alternative version of the development was presented at appeal stage, it was not subject to the same level of consultation as the original appeal. Consequently, and in the interest of fairness, I have made my decision based on the drawings and the scheme submitted as part of the planning application referenced above.

Main Issue

3. The main issues are the effect of the proposed development on:
 - the living conditions of nearby residents, with particular regard to privacy, daylight, outlook and noise; and
 - the character and appearance of the area.

Reasons

Living conditions

4. The appeal site is located in a relatively quiet residential area, dominated by two-storey detached and semi-detached houses, set back from the highway and located within fairly spacious plots. Despite this, although 11 Hawthorndene Road is detached, it is reasonably close to Nos 9 and 13.
5. The development proposal is for a two-storey side extension incorporating a balcony to the rear, loft conversion with dormer to the rear and a Juliet balcony. The proposal would result in the creation of a first-floor terrace, on top

- of the proposed garden room, which would offer direct views to the rear garden of the property.
6. Although the roof terrace would face directly onto the rear garden of the property, it would also allow for unobstructed oblique views into the rear elevation of 9 Hawthorndene Road. Due to its proposed position relative to No 9, the roof terrace would not only allow for views directly into the rear garden space of No 9, but also oblique views into the habitable rooms of the dwelling located closer to the boundary on the ground and first floor.
 7. Furthermore, due to its elevated position, the use of the terrace as proposed could result in an increase in noise, which would be more easily perceived by occupants of neighbouring properties, and consequently would be likely to have a greater effect, in that regard, than more conventional ground floor amenity space.
 8. The Council has also raised concerns regarding the effect that the proposed balcony would have on the living conditions of neighbouring occupiers in terms of outlook and daylight.
 9. The proposed development has the potential to increase overshadowing and, consequently, potential to decrease daylight to No 9. Nonetheless, considering that the neighbouring property's nearest windows are all in the rear elevation, based on the evidence before me, the effect of the appeal proposal on the overall level of daylight to No 9 would not be significant.
 10. In addition, taking into consideration the present outlook enjoyed by neighbouring properties and the location of existing windows in relation to the proposed development, the proposal would not significantly affect the outlook of any of the neighbouring properties that are in close proximity to No 11.
 11. I therefore conclude that, although the proposal would not have a harmful impact on the living conditions of nearby properties in terms of overshadowing, loss of daylight or outlook, it would have a harmful impact in terms of exposure to noise and loss of privacy, particularly in relation to 9 Hawthorndene Road. Consequently, the proposal would be contrary, in that regard, to Policy 37 of the Bromley Local Plan (2019) (the Local Plan) which aims to protect the living conditions of the occupants of neighbouring properties. It would also be contrary, in that regard, to the overall objectives of Local Plan Policy 8 in relation to safeguarding the privacy and amenity of adjoining residents.

Character and appearance

12. Most of the detached houses along the Hawthorndene Road are located in fairly spacious plots and are physically and visually separated from each other.
13. The houses in the area vary significantly in terms of their overall size, external materials, architectural features and design. Despite this fact, the area does retain some coherence in terms of its overall character and appearance due to small clusters of dwellings, with similar design and architectural features, being identifiable. These contribute greatly to the character and appearance of the area.
14. No 11 is a relatively large detached house which shares a few of same architectural design and features of No 9, including the use of a similar type of external cladding. Despite this, the external appearance of No 11 is

- substantially different to that of No 9, particularly in terms of its fenestration and overall proportions.
15. The development proposal would result in the creation of a more imposing front elevation by increasing the overall bulk of the existing dwelling and the density of the built form in relation to the plot. The proposed two-storey high extension would also lead to a reduction in the visual gap between Nos 11 and 9 and decrease the sense of space and separation between the two properties.
 16. Local Plan Policy 8 states that, for proposals of two or more storeys in height, a minimum of a 1 metre side gap should be retained. Although there seems to be a disagreement in terms of the dimensions of the side space between Nos 9 and 11, both parties recognise that the side space would fall short of 1 metre. The main aims of policy 8 are to ensure that a visual separation is retained between properties and to safeguard the privacy and amenity of adjoining residents.
 17. In terms of a visual separation between properties, I find that the proposed gap would still be able to ensure this objective. Furthermore, the gap that separates No 9 from 7 Hawthorndene Road is significantly narrower than that which presently separates No 11 from No 9. Therefore, as there is not a marked consistence in the size of the gaps between buildings in the area, the reduced gap that would result from the proposal would not have a significant effect on the character and appearance of the area, in relation to a visual separation between properties.
 18. In conclusion, the proposal would not have a significant effect on the character and appearance of the area. As such, in that regard, it would accord with Local Plan Policy 8.

Conclusion

19. For the reasons given above, I conclude the appeal should be dismissed.

Andre Pinto

INSPECTOR