



Appeal Decision

Site Visit made on 10 November 2020

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2020

Appeal Ref: APP/G5180/D/20/3259162

36 Kemble Drive, Bromley BR2 8PZ

- 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 Ivan Earl against the decision of London Borough of Bromley.
 - The application Ref DC/20/02121/FULL6, dated 10 June 2020, was refused by notice dated 6 August 2020.
 - The development proposed is proposed loft conversion and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is suggested by the appellant that part of the development involving the construction of the side dormer windows could be constructed as permitted development. However, I am required to consider the scheme as a whole and this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have that matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and surrounding area; and
 - the living conditions of the occupiers of 34 and 38 Kemble Drive, with regard to privacy.

Reasons

Character and appearance

4. Number 36 Kemble Drive (No 36) is a detached bungalow located in a residential street of largely uniform properties set back from the road behind generous front gardens and driveways. These bungalows feature large cross hipped roofs and shallow front extensions. Whilst some properties have been extended at roof level, including the appeal property, these have retained the hipped roof shape and the alterations are not prominent. With limited variations in the external appearance of properties, the overall character of the properties along Kemble Drive is very consistent, with the roof lines forming a

rhythmic and distinctive pattern in views up and down the street. This, in combination with the spacious layout of the street contribute to the distinctive character of Kemble Drive. This character is largely replicated in the adjacent roads, Oakley Drive and Cedar Crescent. At the rear, the property adjoins a park from which the rear of development along Kemble Drive is partially visible.

5. The proposed development would extend the ridgeline of the roof to convert the rear hipped roof to a gable end whilst retaining the front hip. The proposed dormer windows either side of the extended roof would occupy approximately a third of the length of the side elevations. In combination with the hip to gable extension, the dormer windows would appear as substantial and bulky additions which would not respect the design and proportions of the host dwelling.
6. The separation distance between neighbouring properties and the irregular building line with Number 34 Kemble Drive (No 34) set back from No 36, makes the appeal property and its roofslopes clearly visible within the street scene. This view of the roof is further increased by the sloping nature of Kemble Drive and No 36's position on it. The trees, both along the street and within front gardens, only screen the roof from a very limited number of viewpoints. The proposed alterations to the rear facing hip and the dormer windows positioned within these exposed side roofslopes would therefore be visible from the street and prominent. They would alter the shape of roof, appearing as incongruous and unsympathetic additions that would disrupt the uniform and rhythmic pattern of the roofscape along Kemble Drive. This would cause significant harm to the character and appearance of the streetscene.
7. The alterations to the roof would also be visible from the park at the rear. However, the park is at a lower level than properties on Kemble Drive and only a limited number of these roofs are visible. In this context, the proposed development is not as stark in comparison to its neighbours. It would therefore give rise to very limited harm from this viewpoint.
8. My attention has been drawn to roof alterations including a front and rear dormer window to Number 40 Kemble Drive. These alterations are prominent and out of character with the prevailing form of development on Kemble Drive like the proposed development would be. I have also been referred to hipped to gable roof extensions at Number 20 Oakley Drive and Number 3 Cedar Crescent which are similar bungalows to the appeal property. Both properties were extended under permitted development and are not therefore comparable to the scheme before me. In any case, in all these examples, having the benefit of seeing them, I am not persuaded that they have contributed positively to the character and appearance of the area. For this reason, I find that they provide no justification for the scheme before me.
9. I appreciate that the appellant considers these extended properties now contribute to the character of the area and that the use of householder permitted development rights will over time inevitably bring about change to the appearance of dwellings in this enclave of roads. However, these extended properties are significantly limited in number and located within three different streets. Their contribution to the established character of the area is therefore very limited.

10. I conclude that the proposed development would significantly harm the character and appearance of the surrounding area. It would therefore conflict with Policies 6 and 37 of the Bromley Local Plan 2019 (Local Plan) which together require development to be a high quality of design that positively contributes to the existing street scene and for residential extensions be compatible with development in the surrounding area and for dormer windows to be sited away from prominent roof pitches.

Living conditions

11. The formation of a gable end with a rear facing bedroom window would provide outlook and views into the gardens of adjacent properties. However, there are currently two large rooflights within the rear roofslope which provide the main outlook from an existing bedroom in the roofspace. Whilst the proposed window would be vertical and a bit closer to the gardens, it would not significantly increase the amount of overlooking of the gardens over that which can already occur.
12. The proposed side dormer window facing towards No 34 would serve a bedroom. There are two obscurely glazed and secondary windows in the flank wall of No 34 and a low fence between these and the side elevation and windows in the flank wall of No 36. Due to the obscured glazing, it would not be possible to look into these windows and no loss of privacy would arise. The proposed dormer windows facing towards Number 38 Kemble Drive (No 38) would serve bathrooms. Any overlooking that may arise from these windows could be mitigated by the use of obscured glazing which could be secured by the imposition of an appropriate condition.
13. I conclude that the proposed development would not harm the living conditions of neighbours at Nos 34 and 38, with regard to privacy. It would therefore accord with Policy 37 of the Local Plan which requires development to respect the amenity of occupiers of neighbouring buildings and ensure their privacy is not harmed.

Other Matter

14. The appellant considers that the Council's assessment of the proposal was inadequate and carelessly handled. I appreciate that this must be frustrating for the appellant, however, this is a procedural matter and does not affect the merits of the case.

Conclusion

15. The proposed development would not harm the living conditions of adjoining neighbours. However, it would significantly harm the character and appearance of both the host property and surrounding area. For this reason, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR