
Appeal Decision

Site visit made on 11 November 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020.

Appeal Ref: APP/G5180/D/20/3252824

15 Birch Tree Avenue, West Wickham BR4 9EG

- 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 Lee Reid against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/05209/FULL6, dated 9 December 2019, was refused by notice dated 13 March 2020.
 - The development proposed is the erection of a single storey rear extension with shallow pitched roof and side extension with a false pitched roof to the front and a flat roof behind; rear roof dormer over existing first floor flat.
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Decision

1. The appeal is dismissed insofar as it relates to the rear roof dormer over existing first floor flat.
2. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension with shallow pitched roof and side extension with a false pitched roof to the front and a flat roof behind at 15 Birch Tree Avenue, West Wickham BR4 9EG in accordance with the terms of the application Ref DC/19/05209/FULL6, dated 9 December 2019, subject to the conditions set out in the schedule to this decision.

Procedural matter

3. At the site visit, I saw that a ground floor rear and side extension was under construction at the appeal property, which was similar to that proposed save for the number and type of roof lights. For the avoidance of doubt, I have assessed the proposal as it is illustrated on the submitted drawing because it was on that basis that the Council refused planning permission.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

5. The appeal property is a 2-storey semi-detached house in a mainly residential area. It addresses Birch Tree Avenue, which is lined by pairs of semi-detached houses that are symmetrically designed and evenly spaced along the road. The hipped roofs of these dwellings are an important design feature and a positive contributor to the local street scene. In particular, the hipped roofs establish a

sense of space around the buildings and visually accentuate the prominence of the large front gable and timber detailing, which is a distinctive feature of each pair. I saw that some properties along Birch Tree Avenue and further afield have been extended and externally altered with those that include flat roof dormers often drawing the eye from the road given their uneasy relationship to the host building and prominence in the local street scene.

6. The Council raises no objection to the new single storey rear and side extension. I, too, find this element of the appeal scheme acceptable because it would be appropriate in design and it would not have a significant harmful effect on the intrinsic character and appearance of the house. Most of this extension would not be visible from the road and so it would not have a discernable effect on the local street scene. As some dwellings close to the site also have sizeable ground floor rear and side extensions this part of the proposal would not be an uncharacteristic addition. I shall, therefore, focus on the changes sought at roof level.
7. The sidewall and roof of No 15 are to be altered from a hip to a gable end with a large flat roof dormer placed onto the extended rear roof slope. The new dormer would be set down from the main ridge and back from the eaves with external materials to match those of the existing building. Nevertheless, the proposal would be considerable in scale and width. Together with its flat roof, the new dormer would appear as an overly large 'box like' extension, the size and bulk of which would give the host building an awkward top-heavy appearance. While the new dormer would not be readily visible from the road it would be conspicuous from the rear gardens of the properties on either side of the site. From these locations, the new dormer would be obtrusive and overly dominant even with the new ground floor extension in place.
8. In addition, the new gable would add bulk to the upper part of the house and detract significantly from its character, as originally built with hipped ends to the side and rear. It would also imbalance the pair to which it belongs, as the attached property retains its hipped roof form. This would be evident from Birch Tree Avenue on either side of the site. As a result, the proposed roof extension and alterations would be an incongruous addition to the host building, detracting from the character and appearance of it, the pair and the local street scene. For these reasons, I am unable to share the appellant's opinion that the proposal marries in well with the existing building and sits so well that it appears to be part of the original roof.
9. The appellant has drawn my attention to several dwellings along Birch Tree Avenue and elsewhere that have been extended at roof level with photographs and some background details provided. These cases serve to illustrate that even modest changes to the roof of a building can have a significant impact on the character and appearance of that property and its surroundings. Without exception, the examples cited and several others that I saw exemplify the harm to which I have referred. While the appellant places some reliance on the high-level extension and alterations at 24 Birch Tree Avenue, located broadly opposite the site, to my mind this example demonstrates the awkward imbalance that can result when only one half of a semi-detached pair is extended at main roof level.
10. On the issue of consistency, the appellant feels that planning permission should be granted given in his view the presence of similar forms of development

elsewhere, which he notes have come forward either through the exercise of permitted development (PD) rights or following the grant of planning permission. In my experience, it is rare that direct parallels can be drawn between one scheme and another because the details and local circumstances often vary. In any event, each proposal should be assessed on its own merits, which I have done in this instance.

11. The National Planning Policy Framework (the Framework) recognises that homes should meet the needs of present and future occupiers. However, it also states that good design is a key aspect of sustainable development. The Framework notes that planning decisions should ensure that development adds to the overall quality of the area and is sympathetic to local character. As the new dormer and proposed roof alterations would not do so, the balance of national policy is firmly tipped against it.
12. On the main issue, I conclude that the new rear dormer and proposed hip to gable alteration would materially harm the character and appearance of the local area. As such, these elements of the proposal conflict with Policies 6 and 37 of the Bromley Local Plan and Policies 7.4 and 7.6 of the London Plan. These policies aim to ensure that development, amongst other things, achieves a high standard of design and require that residential extensions respect or complement the scale and form of the host dwelling and adjacent buildings.

Other matters

13. The proposal would make efficient use of the appeal property. Once complete, it would create extra accommodation and facilitate home working, which is actively encouraged by government given the issues raised by the current pandemic. It would allow the appellant to continue to reside at the property and create or safeguard jobs especially during the construction phase. I share the Council's view that the living conditions of others would not be significantly harmed as a result of the appeal scheme. However, these matters do not outweigh the significant harm that I have identified.
14. The appellant considers that the Council's approach has been unfair because in his view other similar schemes have been allowed and that his human rights have been violated as a result. Article 8 of the First Protocol, as incorporated by the Human Rights Act 1998, deals with the right to respect for family life and the home. That the dismissal of this appeal would interfere with Mr Reid's home and family life must therefore be weighed against the wider public interest. In so doing, the legitimate aim of protecting the character and appearance of the local area can only be adequately safeguarded by the refusal of planning permission. On balance, the degree of interference that would be caused by the dismissal of the appeal would be insufficient to give rise to a violation of rights under Article 8. ^[1]_{SEP}
15. The appellant states that the proposed roof level extension and alterations could be carried out under PD and that the perceived effect on the local street scene would be exactly the same. However, planning permission is sought for the proposal and I have assessed it in accordance with the development plan and all other material considerations.

The single storey rear and side extension

16. As the proposed single storey rear and side addition would be in keeping with the character and appearance of the host building and the local area, it would comply with the policies cited by the Council. This part of the appeal scheme is clearly severable to the rest of the development sought. Therefore, I am able to issue a split decision that grants planning permission solely for it.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawing and to require that the development be carried out in accordance with it as this provides certainty. To ensure the satisfactory appearance of the extension, a condition is attached to require that the external materials match those of the existing building.

Conclusion

18. For the reasons set out above, and taking into account the absence of objections from others, I conclude that the proposed dormer and roof level alterations are not a sustainable form of development and that appeal should be dismissed in part and allowed in part.

Gary Deane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plan: Ref BIR15/I Revision A.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.