
Appeal Decision

Site visit made on 20 October 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2020

Appeal Ref: APP/G5180/D/20/3245886
15 Wolds Drive, Orpington BR6 8NS

- 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 Nichols against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04259/FULL6, dated 6 October 2019, was refused by notice dated 21 November 2019.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would be capable of being severed from the main dwelling to form a separate planning unit.

Reasons

Character and Appearance

3. The appeal property is a large two storey detached dwelling with a sizeable driveway/parking area to the front and a generous garden to the rear. It is located at the end of Wolds Drive at the junction between it and The Birches meaning that its side elevation faces onto the street. There are also several semi-mature trees on the appeal site's side boundary with The Birches. These trees are in a relatively prominent location on the street scene and consequently make a positive contribution to the visual amenity of the area.
4. The surrounding area is predominately residential with the majority of the properties being detached properties of varying styles and types including bungalows and two-storey dwellings. Many of these properties also have large rear gardens with some of them also having high mature or semi-mature trees either in their front gardens or along their side boundaries which face the street. These trees also positively contribute to the visual amenity of the area. The size of the plots, the large rear gardens and the trees together form part of an orderly and regular pattern of development which contributes to a mature landscaped suburban setting.

5. The proposal would lead to the removal of all of the semi-mature trees on the boundary facing The Birches that would be adjacent to the proposal's side elevation, replacing them with smaller shrubs. Given the positive contribution that these trees make to the visual amenity of the area I consider that their removal would have a significant adverse visual impact.
6. Furthermore, given the appeal site's relatively prominent location at the junction of Wolds Drive and The Birches, I consider that the proposal would by virtue of its size, scale, massing and location also represent a cramped form of development at odds with the area's established and prevailing pattern. As a result, it would represent a discordant addition to the street scene in this part of Wolds Drive.
7. I acknowledge that another nearby property appears to have recently been extended to the side in a similar manner to the proposal. However, this property is not located on a prominent corner plot and still appears to have high mature trees on its side boundary which are adjacent to its side elevation. In any event, I have determined the appeal scheme on its own merits and the existence of other similar development proposals in the locality does not outweigh my findings in respect of the effect of the proposal on the character and appearance of the area.
8. Given that the proposal would leave a gap of approximately 1.5 metres between its side elevation and the appeal site boundary, I consider that it would accord with the requirements of Policy 8 of the Bromley Local Plan. However, this is not of sufficient weight to outweigh the harm that I have identified above.
9. Consequently, I conclude that the proposal would materially harm the character and appearance of the area thereby failing to meet the requirements of Policies 6, and 37 of the adopted Bromley Local Plan 2019 (BLP).

Whether capable of becoming a separate planning unit

10. Policy 7 of the BLP contains several criteria that a proposed extension to provide space for additional family members is required to meet. Based on the submitted plans the proposal would be in keeping with the design and scale of the existing dwelling and the access to the extension would be provided and maintained via the original dwelling. Consequently, I consider that the proposal would meet the requirements of criteria b) and c).
11. With regard to criterion a) given that the proposal would have its own kitchen, lounge and two bathrooms it would be reasonable to assume that the occupant would not, for example, eat all their meals or spend all their daily leisure time watching television with the occupiers of the main dwelling. However, this does not necessarily mean that they would not live as part of the household in the main house or that the proposal would be a separate planning unit from the main dwelling. Furthermore, the proposal would be able to share facilities such as access, parking and the back garden with the main dwelling.
12. Consequently, in view of the above, I consider the accommodation would not, as a matter of fact and degree, constitute a separate unit of residential accommodation without any functional relationship with the main dwelling. It would therefore be a residential annexe to the property, and this relationship could also be secured by imposing a suitably worded condition.

13. As a result, I conclude that the proposal would meet the requirements of Policy 7 of the BLP.

Other Matter

14. I note that no objections have been submitted by interested parties in relation to the proposal. However, this is not of sufficient weight to outweigh the harm that I have identified above.

Conclusion

15. The compliance of the proposal with Policies 7 and 8 of the BLP does not outweigh or overcome the harm I have found to the character and the appearance of the area and the resulting conflict with Policy 6. Accordingly, for the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR