



Appeal Decision

Site visit made on 26 January 2021

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 10 February 2021

Appeal Ref: APP/G5180/D/20/3261438

31 Sutherland Avenue, Petts Wood, Orpington BR5 1QX

- 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 A Kukis against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/02600/FULL6, dated 12 July 2020, was refused by notice dated 7 September 2020.
 - The development proposed is the demolition of existing garage and construction of two storey rear and side extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and construction of two storey rear and side extension and single storey rear extension at 31 Sutherland Avenue, Petts Wood, Orpington BR5 1QX in accordance with the terms of the application, Ref DC/20/02600/FULL6, dated 12 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, all dated 11 July 2020 and annotated as follows: existing site block plan; existing ground and plan; existing elevations; proposed ground/first floorplan; proposed elevations front/back; proposed elevations – side; proposed ground/first floor plan and existing and proposed roof plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Before first occupation of the development hereby permitted, two on-site parking spaces shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter they shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on that area of land.

Procedural Matter

2. The description of development as it appeared on the application form was somewhat lengthy. In the interests of clarity therefore I have adopted the description of development as set out on the Council's decision notice.
3. Although the site visit was originally scheduled as an unaccompanied visit, it was changed to an access required visit in order that I could fully appreciate the relationships with each adjoining property from the rear of the site.

Main Issues

4. The main issues are: the effect of the proposal on the character and appearance of the area; and the effect on the living conditions of the occupiers of the adjoining residential properties.

Reasons

Character and appearance

5. The appeal property comprises a two storey house located on the western side of Sutherland Avenue. It has a hipped main roof with a smaller hip roof to the front over a two storey bay window front projection. The properties on both sides of the road are arranged in a staggered layout, so that No 31 projects forward in front of the adjoining property to the south, No 29, but is set back from the adjoining property to the north, No 33. The character of the area is wholly residential comprising mainly detached properties but with a mixture of architectural styles and roof forms.
6. A previous similar proposal was refused by the Council earlier in 2020 for the same reasons as the current proposal¹. The Council advises that the current changes from that scheme include a setback at first floor level and alterations to the roof form.
7. Dealing first with the issue of separation of space from the adjoining property, Policy 8 of the Council's Local Plan 2019(LP) seeks to ensure such space is provided by normally requiring a minimum of 1 metre from the side boundary for a proposal of two or more storeys in height. In this instance, the proposed development would adjoin the common boundary with No 29 at ground floor but would be inset by 1 metre at first floor. The Council considers that it would be in conflict with the policy as a result. However, the existing garage currently adjoins the common boundary already so the proposed ground floor element would be no change in that respect. The first floor element would be compliant with the proposed set back and I consider that in visual terms it would result in maintaining the space that the Council policy seeks to achieve, allowing a clear visual gap between the two properties at first floor. I also note that the supporting text to that policy refers to the importance of retention of space at first floor level, suggesting that is the main focus of the policy. Additionally, the policy itself refers to compliance being 'normally' required, indicating some allowance for individual circumstances. I consider this is one such case.
8. Turning to the appearance of the roof form, the Council is concerned that the proposed front area of roof at first floor level would appear awkward and

¹ Application reference 20/01176/FULL6

incongruous because although it would be aligned with the front elevation, it would be at a lower level than the hipped element of the front projection. In that respect, I acknowledge that the detailing would involve a number of roof elements. However, it would still be hipped with the degree of pitch being the same as that elsewhere on the roof. To the rear of the small flat roof element there would also be a larger pitched and hipped roof, also matching the main roof and pitching away from the common boundary with No 29 which would help to mitigate its impact. Roof materials are proposed to match the existing and would help to integrate the new addition with the main roof. I note that a similar approach with a flat roof element was adopted next door at No 29 with its own side extension. Although it is a different design, in my view it sits comfortably in the streetscene. I also note that there are a variety of roof forms in the immediate area such as that of No 33 and 35 to the north and also opposite where there are projecting gable features.

9. Although the extension would be clearly visible in the streetscene when approaching from the south because of the staggered layout, it would be well related to the host property and would be seen in the context of the extension at No 33 to the north which is also set forward and has been similarly extended to the side with a two storey extension, albeit to a different design.
10. Drawing the above issues together, there would be no adverse impact on the character and appearance of the area. It would therefore be in compliance with Policies 6 and 37 of the LP in that it would respect and complement the host dwelling and be compatible with the surrounding area. Although it would not be in full compliance with Policy 8, it would be acceptable in this instance for the reasons set out above.

Living conditions

11. The Council is satisfied that there would be no adverse impact upon the occupiers of No 33 and having assessed that situation at my site visit, I agree, noting that the adjoining rear element to that property would be single storey only. In terms of impact on No 29, I agree that at the rear the relationship would be acceptable given the fact that No 29 already has a single storey rear extension in close proximity to the rear boundary. There would be some impact to the side windows of No 29, but the ground floor window to that property is already enclosed by the boundary fence and a roofed enclosure over it. At first floor there is a larger window which appears to light a landing. It is also set in from the common boundary by approximately 1 metre so that at first floor level there would be a space of approximately 2 metres between that window and the flank wall of No 31. On balance I consider that relationship to be acceptable.
12. The Council is also concerned that the outlook from No 29 would be adversely affected by the forward projection of the extension. Whilst I acknowledge that it would clearly be more apparent than the current flank wall of the appeal property, at ground floor level the adjoining windows of No 29 are large and comprise the main porch entrance to the property rather than a living area. At first floor level there is a large forward facing bedroom window but inset some distance from the flank wall which in turn is inset from the common boundary as referred to above.
13. Although there would be some enclosing effect, I do not consider the outlook would be harmed to such an extent which would warrant permission being

withheld for that reason alone. The proposed development would therefore be in compliance with Policy 37 of the LP in that the amenity of the occupiers of the adjoining properties would be respected.

Other Matters

14. The Council commented in its officer report that there was only one parking space at the front of the property and that the garage would be lost as a result of the development. At my site visit, I noted that an additional parking space was in the process of being provided and I am satisfied that two parking spaces could be accommodated on site as has been done elsewhere in the road. However, its acceptability in terms of detailed design and materials needs to be properly considered which can be secured through an appropriate condition.

Conclusion

15. For the reasons set out, the development would not adversely affect the character and appearance of the area nor the amenities of the occupiers of adjoining properties. Conditions for the development to be built in accordance with the approved plans and for matching materials, are necessary in the interests of certainty and visual amenity. A condition for details of proposed parking areas is necessary to ensure they are built to satisfactory standards and that they remain available for parking use.
16. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR