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## Appeal Decision

Site visit made on 22 February 2021

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 March 2021**

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**Appeal Ref: APP/G5180/D/20/3263274**

**61B Broxbourne Road, Orpington BR6 0BB**

- 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 Puneet Gupta against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/20/02316/FULL6, dated 16 June 2020, was refused by notice dated 13 October 2020.
  - The development proposed is part one/two storey rear extension, construction of front porch, elevational alterations, addition of windows to right hand side flank elevation and conversion of garage to habitable room.
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### Decision

1. The appeal is allowed and planning permission is granted for part one/two storey rear extension, construction of front porch, elevational alterations, addition of windows to right hand side flank elevation and conversion of garage to habitable room at 61B Broxbourne Road, Orpington BR6 0BB in accordance with the terms of the application, Ref DC/20/02316/FULL6, dated 16 June 2020, subject to the conditions listed below: -
  - a. The development hereby permitted shall begin no later than three years from the date of this decision.
  - b. The development hereby permitted shall be carried out and retained in accordance with the following approved plans: PL-101, PL-102, PL-201, PL-401, PL-402, PL-403 and PL-404.
  - c. 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 and/or those pertaining to the planning details set out on the approved drawings.

### Preliminary Matter

2. The description of proposed development that I have used in the banner heading above has been taken from the Council's decision notice and I note this to be the same proposal description provided by the appellant on the planning appeal form. I consider it to be usefully more concise to that provided on the planning application form and have thus employed it here.

## **Main Issue**

3. The main issue raised by this appeal is the effect of the proposed development upon the character and appearance of the host property and neighbouring properties.

## **Reasons**

4. The appeal property is located within a street of predominantly two-storey detached and semi-detached properties that vary in size, form and appearance with their designs reflecting different eras of residential construction. There is variety to the finishing materials used, ranging from brick, render, tile hanging and mock Tudor timbering. That said, the appeal property differs from the properties in the area as it relates to the end one of a row of three properties of matching design and form that are situated within the existing mix of house types.
5. The site falls within The Knoll Area of Special Residential Character (ASRC). The ASRC refers to Broxbourne Road including distinctive examples of interwar brick housing, referencing in particular the high-quality public realm, with grassed verges aligned with front driveways. However, the ASRC also notes that the pattern of development along Broxbourne Road has been disrupted by the intrusion of post-war development. The proposal relates to one of these properties of post-war construction.
6. This small group of three properties of identical design are distinct from the other dwellings within the street. There is a consistency in the use of materials with the properties comprising brick at ground floor with tile hanging above. The existing first floor front elevation and proposed first floor of the rear extension are proposed to host rendered finishes. Rendering these elevations would bring about a visual change to the appearance of the appeal property and that of the row of three properties.
7. I saw that both the front and rear of properties in the vicinity of the appeal site vary in their appearance, design and form, as well as in their use of a variety of finishing materials. There are rendered properties not far from the appeal site that are clearly visible in the Broxbourne Road street scene and from the rear garden of the appeal property.
8. Whilst there is current uniformity to these three properties, I do not consider rendering the first-floor front and rear elevations of 61B would significantly harm the visual appearance of the dwelling. Consequently, I do not consider that the proposal would substantially erode the individual quality of the property or the character of this group of three properties or undermine the distinctive quality of this part of the ASRC. Furthermore, I do not consider the resulting rear appearance of the rendering, when taken cumulatively with the size of the rear extension, would appear overtly out of keeping when viewed in the wider context of the rear of other properties along Broxbourne Road.
9. For these reasons, I conclude that the proposed development would not lead to unacceptable visual harm to the character and appearance of the host property or neighbouring properties. The proposal would, therefore, not materially conflict with Policies 6 and 37 of the Bromley Local Plan and Policies 7.4 and 7.6 of the London Plan. These policies seek, amongst other matters, development to be of a scale, form and material of construction that respects

or complements the host dwelling and to be compatible with development in the surrounding area noting that Policy 7.6 of the London Plan indicates that materials that complement need not necessarily replicate the local architectural character.

10. The Council has cited Policy 41 of the Bromley Local Plan within its decision notices, however, that policy relates to development within Conservation Areas which is not the case of the development before me. The Council has also referred to Supplementary Planning Guidance (SPG) within its decision notice, but the notice is not specific as to what SPG this might relate. Whilst SPG1 and SPG2 have been listed within the Council's delegated decision report the Council has not provided either of these SPGs. Furthermore, the Council do not refer to either of these SPGs to support its case within its delegated decision report. Therefore, I have considered the appeal on the basis of the evidence before me and against those policies cited within the reason for refusal that relate to Bromley Local Plan and the London Plan.

#### *Other considerations*

11. Local concern is expressed to the front porch projecting beyond the front building line of the host property. The porch would be of single-storey modest scale and would be positioned adjacent the projecting front garage. It would not project forward of the front building line of the garage. The porch recessed next to the garage would to some extent change the frontage appearance of the property. However, this would not be a substantial change and would not have a significant visual impact upon the host property or the row of three matching properties. For these reasons, I consider the proposed porch to be of acceptable appearance.
12. The existing garage is proposed to be converted to a study/office room. This would not impact significantly upon the character of the house given the residential nature of the intended use of the space. The proposed skylight and additional side window would not significantly alter the appearance of this part of the property. I, therefore, also considered these elements of the proposal to be acceptable. Concern has been expressed to the potential for the garage door to be replaced in the future, however that is not a matter that is before me as part of the proposed development.
13. At first floor the extension would be of commensurate depth to that of development granted planning permission by the Council in 2019. Given the separation between the proposed part one/two storey rear extension to the nearest neighbouring windows at 63a Broxbourne Road combined with the modest depth and height of the single-storey rear, alongside the orientation of respective developments in relation to one another, the proposal would not result in a significant impact on the living conditions of the occupiers of 63a. The new windows shown in the right-hand side on the flank elevation are shown to be obscured glazed and this would prevent potential overlooking from occurring.
14. The appeal site and property are sited at a higher ground level to that of 61a and 61 Broxbourne Road. Taking into account the height, limited depth and separation from the boundary and to 61a and 61, the proposal would not have a significant impact in terms of outlook or light reduction to either of those properties. The proposal would not result in additional window openings to those which already exist that might increase potential overlooking.

15. It has been put to me that the proposal would have an impact on the local drainage system. In this regard, I have not been provided with any substantive evidence which demonstrates that the proposal would affect the drainage system. It has been suggested that the proposal would set a precedent, however proposals are required to be considered on their own individual merit.
16. None of these matters alter my conclusion that the appeal should be allowed.

### **Conditions**

17. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. I consider the standard time limit condition to be appropriate and in the interests of certainty, it is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans. A materials condition is necessary in the interests of the character and appearance of the area.
18. The Council has requested the imposition of a condition requiring the proposed flank window to be obscure glazed, however the plans show the new windows within the right-hand side flank elevation would be obscure glazed windows. I consider this to be an overly onerous condition as it is not clear what local concern this condition seeks to address, and it has not been identified what loss of privacy would take place if the windows were not fitted with obscure glazing.

### **Conclusion**

19. For the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

*Nicola Davies*

INSPECTOR