



Appeal Decision

Site visit made on 21 December 2020

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2021

Appeal Ref: APP/G5180/W/20/3255189

43 Newlands Park, Sydenham, London SE26 5PN

- 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 Taak against the decision of London Borough of Bromley.
 - The application Ref DC/19/04959/FULL1 dated 13 November 2019 was refused by notice dated 10 February 2021.
 - The development proposed is hip to gable extensions, rear dormer, part one/two storey rear extension and conversion to 5 flats (comprising 1 x 2 bed/4 person, 1 x 2bed/3 person, 3 x 1 bed/2 person flats). Basement conversion to office servicing Flat A and associated refuse/recycling, cycle storage and two car parking spaces to front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the existing building and the surrounding area; and ii) the living conditions of neighbouring occupiers.

Procedural Matter

3. The London Plan 2021 has now been adopted and forms part of the Development Plan. Policies 7.4 and 7.6 of the London Plan 2016 are referred to in the Council's decision notice. These provisions are generally replicated in policies D3 and D4 in the London Plan 2021, therefore, I refer to them in my reasoning.

Reasons

Character and appearance

4. The appeal property is a two-storey detached Victorian dwellinghouse, part of a row of such properties on the western side of the street, characterised by brickwork, bay windows and hipped roofs. On the opposite side of the street are similarly styled three-storey blocks of flats, again with hipped roofs.

5. I note that the Council deemed that prior approval was not required to extend the appeal property to the rear, on the ground floor. I observed that development had commenced along with construction of a first floor extension. It is further proposed to alter/extend the roof (hip to gable), and add roof lights, so as to accommodate a rear dormer. Two car parking spaces are to be created in the front garden, along with bicycle and waste recycling stores.
6. The Council considers the rooflights acceptable and adequate storage provision for bicycles/recycling can be dealt with by imposition of conditions.
7. Enlarging the roof, and thus changing it from hip to gable, would alter the relationship with neighbouring properties at Nos. 41 and 45, unbalancing the appearance of the properties, unsympathetic to the row, generally. So much so as to constitute a detracting feature in the street scene, thus causing harm.
8. The rear of the host property is not visible from the public realm. Original rear outriggers are not hipped or double pitched, intentional so as to appear subservient. The proposed height of the first-floor extension, even with a flat roof; above the eaves, would not make it diminutive, thus having a harmful effect on the character and appearance of the appeal property.
9. Therefore, the proposal conflicts with policies 6, 9 and 37 of Bromley Local Plan 2019 (Local Plan) and policies D3 and D4 of the London Plan 2021. Among other things, these require a high standard of design that respects the existing building, street scene and maintains or improves the appearance of the local area. Similarly, creating high quality buildings and places is fundamental to sustainable development as set out in the National Planning Policy Framework 2019 (NPPF).

Living conditions

10. Originally, the appeal property, in common with Nos. 41 and 45, had a substantial two storey outrigger, to the rear. These affect the outlook from and light reaching, ground and first floor windows on respective rear elevations. The removal of the appeal property's outrigger, and construction of the proposed extensions, set back from the boundaries, even at an increased depth on the ground floor would not, consequently, result in an unacceptable loss of light or outlook.
11. Therefore, the proposal complies with policies 9(a) and 37(g) of the Local Plan. Among other things, these require the amenity of occupiers of neighbouring properties to be respected. Similarly, creating places with a high standard of amenity is an objective set out in the NPPF.

Other Matters

12. The appellant has identified a number of properties that have been extended, including enlargements at Nos 47 to 51, and drawn my attention to appeal decision APP/G5180/W/18/3206569, with it the issue of the housing land supply. I have taken these into account, along with providing flatted accommodation with access to garden space.
13. During my site visit I noted that the inside and outside of the appeal property was undergoing substantial renovation and not in a state of dereliction.

14. Individual applications are considered on merit, in accordance with the development plan, unless material considerations indicate otherwise. I have identified above the relevant development plan policies and the principle of conversion to flats is not in dispute. It has not been demonstrated, however, that conversion is impossible without the proposed roof enlargement.
15. In relation to NPPF paragraph 11d), the main parties dispute whether or not the Council can demonstrate a five-year supply of deliverable housing sites and the extent of any shortfall. There is little evidence about this before me. However, even if the Council could not demonstrate a five-year supply and footnote 7, on NPPF page 6, were to be relevant, the adverse impacts of granting planning permission on the character and appearance of the existing building and surrounding area, would significantly and demonstrably outweigh the benefits. Therefore, when assessed against the policies of NPPF, taken as a whole, permission should not be granted.

Conclusion

16. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR