The Planning Inspectorate

Appeal Decision

Site visit made on 26 March 2021

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021.

Appeal Ref: APP/G5180/D/20/3263465

10 Derwent Drive, Petts Wood, Orpington, BR5 1EW

- 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 Basant Mertia against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/20/00693/FULL6, dated 14 February 2020, was refused by notice dated 27 August 2020.
- The development proposed is described as "*Proposed front porch enlargement. Conversion of existing garage, together with new extension to rear to form additional dwellingspace with flat roof over. Conversion of roofspace with dormer to rear, together with 3no. skylights to front roofslope*".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in the name of Mr Basant Mercia. The appeal was made in the name of Mr Basant Merita. Both submissions were made by the appellant's agent. As part of the appeal process the appellant has confirmed that his last name is correctly spelled as Mertia, which I have recorded accordingly in my formal decision. I am satisfied that both former spellings were grammatical mistakes and that the applicant and the appellant are one and the same person.

3. Since the date of the decision The London Plan 2021 (LP 2021) was published on 1 March 2021 and is now part of the development plan. The Council's decision notice referred to Policy 7.4 of The London Plan 2016 (LP 2016), which is now superseded. The officer's report also refers to LP 2016 Policy 7.6, as does the appellant's grounds of appeal. The main parties for the appeal were invited to express their views on the LP 2021 insofar as it relates to the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal property is a semi-detached bungalow with a hipped roof and with a flat roof garage to the side. It is located within a residential cul-de-sac which includes groups of similar type properties, the majority of which retain their original form. The proposal would include converting the existing side hipped roof to a gable by extending the length of the roof ridge and constructing a 'box-like' dormer to the rear elevation.

6. Despite some changes to the original front elevation of Nos 10 and 12 at ground floor level, this semi-detached pair retains a pleasing symmetry that is typical for the majority of buildings along Derwent Drive. The uniformity of the architecture provides a rhythm and balance to the street scene that contributes positively to its character and sense of place, particularly along this immediate stretch of Derwent Drive.

7. I saw a variety of altered entrance porches to some of the properties nearby. Despite these changes, the overall character of the street scene was not significantly impacted. Whilst the proposed porch would noticeably enlarge the existing, it would remain to be set well back from the highway. Given its low-level form and setting against the backdrop of the existing building, together with the use of matching materials, I am satisfied that, in isolation, the porch enlargement would not significantly alter the appearance of the dwelling in the street scene. Neither would the proposed conversion of the garage, or the single-storey extension to the rear which would be reasonably well screened from sight by the site's boundary enclosure.

8. The Council's *Supplementary Planning Guidance No. 2 Residential Design Guidance* (SPG) adopted in 2003, states that the character of the immediate locality should guide the built form. With regard to roofs and dormers it specifically states that roof alterations should be carefully considered to ensure that they respect the form and appearance of the existing roof and that large or dominant dormers, or those which harm the over-all appearance of the building, should be avoided.

9. In contrast to the proposed ground floor alterations and extensions, the hip to gable would be a considerably more prominent addition. It would noticeably unbalance the symmetrical appearance of the existing building. The elongated ridge line and new gabled elevation would be atypical of other dwellings in the vicinity. Due to the open plan frontages and the footpath which runs immediately to the side of the appeal site these changes would be openly seen from the public domain as incongruous additions. The rear dormer would dominate the rear roof slope stepped only marginally up from the eaves, down from the ridge, and in from both sides. There would be little of the rear roof slope visible to frame the dormer extension such that it would effectively appear as a bulky, additional storey to the bungalow. This too would be openly seen from the adjacent footpath and in oblique angles from Derwent Drive in the gap between Nos 8 and 10. The side and rear roof alterations would combine to completely alter the form of the existing roof, the shape and character of which would be entirely lost.

10. Neither the hip-to-gable change, nor the rear dormer, would follow the advice within the adopted SPG. My impression overall is that the changes to the roof

would appear discordant and harmful to the appearance of the existing building and the wider established character of the street scene. As such there would be conflict with Policy 37 of the London Borough of Bromley Local Plan 2019 (Local Plan) which requires a high standard of design in all development in order to, amongst other things, complement adjacent buildings in the area and make a positive contribution to the street scene. Policies D1, D3 and D4 of the LP 2021 have been drawn to my attention by the Council as relevant replacements for Policies 7.4 and 7.6 of the LP 2016. These deal with delivering good design and for development proposals to respond positively to local distinctiveness. Although amongst them there is support for growth, this is not at any cost, and for the reasons given, the proposal's failure to positively respond to its local context means that there would be clear conflict with these policies' aims and objectives. As such, there would also be conflict with the National Planning Policy Framework's objectives for achieving well-designed places meaning that the proposal would fail to satisfy the environmental objective for achieving a sustainable form of development.

Other Matters

11. The appellant has drawn my attention to an appeal decision dated 17 October 2019 for the appeal property (Ref APP/G5180/D/19/3233737). In that case the appeal was dismissed. However, the proposal overall was for a materially different form of development compared with the current appeal proposal in terms of design and appearance of the roof alterations. The Inspector's findings in that case are therefore not fully relevant to this current appeal, which I have considered on its own merits.

12. I am aware that the appellant recently obtained a Lawful Development Certificate from the Council (Ref 20/01841/PLUD) for extensions described as "Conversion of roof space with hip to gable, rear dormer and front rooflights". Whilst there are obvious similarities between the appeal proposal and the scheme which could be constructed as permitted development without the need to obtain planning permission from the Council, the proposal that is before me is noticeably larger. Although the appellant may have the benefit of a 'fallback' position by constructing an extension that would qualify as permitted development, this is not sufficient justification for a larger proposal that I have found would cause significant harm. My findings in this case are based on the proposal that is before me and which I have determined in accordance with the development plan.

13. I have noted the cases at Nos 29 and 31 Derwent Drive, and Nos 7 and 11 Greenfield Gardens, where hip to gable extensions and rear dormers have been added to similar bungalows. Firstly, these properties are not adjacent to the appeal site and do not sit within the immediate context of No 10. Furthermore, I do not know the specific planning history to any of these cases. In addition, it was not evident to me that the dormer windows to the rear are as large as the appeal proposal and neither are they open to such exposed views from the public domain. None of these cases, nor any other examples where dwellings in the area have been modified, are directly comparable to the appeal proposal.

14. I have noted the appellant's personal circumstances and the requirement to provide sufficient accommodation for their family, but these needs do not outweigh the harm that I have identified.

15. I am aware that the Council's decision was taken by their Plans Sub Committee against the recommendation by officers that the application be approved. I also note the appellant obtained officer's advice following the last appeal decision and prior to submitting the current appeal proposal. However, planning decisions often involve elements of judgement and the circumstances surrounding the decision that was taken by the Council are not unusual. The Council's decision was reasonable and properly supported by policies of the development plan.

16. The appellant has referred to other policies of the Local Plan which purport to support the proposal but for reasons that I have explained, I have identified clear conflict with the development plan and national policy when read as a whole.

17. The reason for refusal suggests that the proposal would impact upon the amenities at 8 Derwent Drive. However, neither the decision notice nor the minutes of the Committee meeting expand upon this or explain precisely how the neighbouring occupiers may be affected. No 8 is set on the opposite side of the public footpath which runs to the side of the appeal site. It is separated from the proposed works by a considerable margin and there is no evidence to suggest that there would be any impact upon the living conditions at No 8 that would be harmful. Neither did I perceive that this would be the case during my visit.

18. I have noted some suggestions that the plans are inaccurate and that the Council's decision to grant a Lawful Development Certificate was based on misleading information. However, my decision is based on the plans provided as part of the original planning application and it is not for me to consider, as part of this appeal, the validity of the Council's previous decision.

Conclusion

19. For the reasons given, and having regard to all other matters raised, I conclude that the proposal would harm the character and appearance of the area. The appeal is therefore dismissed.

John D Allan

INSPECTOR