

Appeal Decision

Site Visit made on 27 January 2021

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2021

Appeal Ref: APP/G5180/D/20/3254702
109 Aviemore Way, Beckenham, BR3 3RS

- 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 J Johal against the decision of London Borough of Bromley.
 - The application Ref DC/20/01205/FULL6, dated 18 February 2020, was refused by notice dated 26 May 2020.
 - The development proposed is a two storey side extension and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal, The London Plan¹ was published on 2 March 2021. The main parties have been given the opportunity to comment on the implications of the publication for this appeal and both have confirmed that they do not wish to comment further².

Main Issues

3. The main issues are the effect of the proposals on:
 - i) the living conditions of the occupiers of 111 Aviemore Way; and
 - ii) the character and appearance of the host property and the area.

Reasons

Living conditions

4. No 111 Aviemore Way (No 111) is orientated at approximately 90 degrees to the appeal property (No 109). Consequently, the rear garden of No 111 is adjacent to the side elevation of No 109. The common boundary between the properties is marked by a closeboarded fence. From the dimensions shown on the submitted site plan, the side elevation of No 109 is currently set back approximately 4.9 m from the boundary with No 111.
5. Whilst No 111 has an open outlook to the side and front, it was evident from my site visit that the rear garden, with patio areas at either end for sitting out, is the main external amenity area for the property. The proposed 2-storey side extension would be set back only approximately 1 m from the common boundary for a significant proportion of the rear garden.

¹ The Spatial Development Strategy for Greater London March 2021

² Emails from the Council and the appellant dated 14 April 2021 and 15 April 2021 respectively.

6. As a result of its length, height and proximity to the boundary the extension would dominate the garden of No 111 and be overbearing for the users of that garden. It would be prominent when looking out of or accessing the garden from the glazed doors in the single-storey rear extension to No 111. It would therefore significantly detract from the enjoyment of this outdoor space.
7. Due to the orientation of No 109 and No 111 relative to each other, the proposed extension would result in increased overshadowing of the rear garden of No 111 during the later part of the day. With its height and proximity to the boundary, the increase in overshadowing would be significant. This would further detract from the enjoyment of the rear garden in the evenings.
8. Moreover, the single-storey extension to No 111 has rooflights and, facing the appeal property, doors and windows. I am not persuaded from the evidence before me that the proposed extension would not result in a harmful loss of sunlight to the rooms in this extension, particularly when the sun is lower in the sky. However, given the openness of the garden to the north and south, the proposed 2-storey extension would not result in an unacceptable loss of daylight to the garden or the rear elevation of No 111.
9. The proposed single-storey extension would be set back further from the boundary with No 111. Given its limited height and siting, it would not have a significant effect on the enjoyment of the rear garden of No 111.
10. For the reasons given above I conclude that the proposed 2-storey extension would be unacceptably harmful to the living conditions of the occupiers of No 111. Accordingly, in this respect, this element of the proposals would conflict with Policy 37 of the Bromley Local Plan (2019) (the Local Plan), which sets out, amongst other things, that developments will be expected to respect the living conditions of occupiers of neighbouring dwellings.

Character and appearance

11. Aviemore Way is an established residential road characterised predominantly by terraces of 2-storey dwellings with distinctive front-facing gables at the end of each terrace and narrow gaps between the terraces. The appeal property is semi-detached and of simpler appearance than the terraced properties. It is thus uncharacteristic of Aviemore Way, although it is more in keeping with properties on Greenview Avenue, opposite the appeal property, and Orchard Way, a short distance to the east of the property.
12. The proposed 2-storey extension would be set back from the front elevation of the appeal property by approximately 0.3 m, with a ridge line approximately 0.2 m lower than that of the existing. Therefore, both the set back and lowered height would be very limited and the proposed 2-storey extension would unbalance the semi-detached pair. The extension would be prominent from Aviemore Way when passing and from Greenview Avenue opposite.
13. However, the proposed extension would be narrower than the width of the appeal property and of similar form and appearance. The hipped roof of the extension would reflect that of the existing pair of dwellings. The extension would thus would not significantly detract from the character or appearance of the host property. The space retained between the extended property and the rear elevation of No 111 would be reasonable relative to that prevailing between other properties in the immediate area.

14. Consequently, the resulting dwelling would not be significantly more at odds with the predominant terraced properties on Aviemore Way than the existing dwelling. Furthermore, a number of other properties in the vicinity have 2-storey extensions, including No 111 and Nos 186, 225 and 227 Orchard Way. Introducing some variety of the nature proposed would therefore not be harmfully incongruous in the locality of the appeal property.
15. The proposed single-storey extension would not be prominent in views from the public realm. Although it would be visible from neighbouring properties, given its limited height it would not be materially harmful to the character or appearance of the appeal property or of the area.
16. I therefore conclude that the proposals would not be unacceptably harmful to the character or appearance of the host property or of the area. Accordingly, in this respect, the proposals would conform with Policies 6 and 37 of the Local Plan which set out criteria for residential extensions and that all development will be expected to be of a high standard of design.
17. The appellant contends that the proposals comply with Policy 8 of the Local Plan, which requires a minimum of 1 m space to side boundaries for extensions of 2 or more storeys or a more generous spacing where higher standards of separation exist. This policy was not cited in the Council's reasons for refusal and it has not been determinative in my decision.

Other Matters

18. I understand the appellant's desire to provide additional living space for this family. However, I have no evidence that the existing accommodation is sub-standard. I have also borne in mind that the development would remain long after the personal circumstances have ceased to be material. Therefore, this consideration does not outweigh the harm to the living conditions of the occupiers of No 111 that I have identified above.

Conclusion

19. I have found that the proposed 2-storey side extension would be contrary to the development plan taken as a whole. There are no considerations that indicate that a decision should be made other than in accordance with the development plan.
20. For this reason, and having regard to the other matter raised, the appeal is dismissed.

Martin Small

INSPECTOR