



Appeal Decision

Site visit made on 13 July 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2021.

Appeal Ref: APP/G5180/W/21/3266787

21 High Street, West Wickham, BR4 0LP

- 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 Ioannou against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/01997/FULL3, dated 2 June 2020, was refused by notice dated 31 July 2020.
 - The development proposed is part two storey / part single storey extension and change of use to create a two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of this application the London Plan 2021 has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies that are referred to in the decision notice and submissions are no longer in force. However, the London Plan (intend to publish) was clearly referenced in the Council's delegated report. On this occasion, given the nature of the refusal reasons and the main issues identified below, the publication of the new London Plan does not directly change the assessment of this appeal.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties with reference to outlook and light.

Reasons

Character and appearance

4. The appeal relates to a three storey mid terrace building with a commercial use on the ground floor and separate residential flats on the first and second floor, with further accommodation within the roof space. The proposal is for a part

- single storey, part two storey rear extension and change of use to create a two bedroom dwelling.
5. The surrounding area is mixed in character and appearance, mainly comprising of ground floor commercial uses, with residential flats above. Many of the units in this part of the High Street have been extended or have outbuildings to the rear.
 6. The site has been the subject of several previous planning applications. Planning permission¹ has been granted for a single storey rear extension to the existing retail unit. This structure has been partially constructed, with the external blockwork walls in place. The approved extension has a mono pitch roof, with a wall of about 4.3m in height running along the boundary with the adjacent property at 23 High Street. Also of relevance is a proposal for a two storey rear extension to provide two x 1 bedroom flats with an external staircase and two parking spaces which was dismissed on appeal².
 7. The proposed two storey extension would be attached to the rear elevation of 21 High Street by a single storey extension with a mono pitch roof and a depth of 5 metres. The proposed two storey element of the extension would therefore be 5 metres away from the rear elevation of No 21 and would have a depth of about 8.9 metres. The two storey extension would have a shallow pitched slate roof, with hips at either end.
 8. Due to its physical detachment from the main rear elevation of 21 High Street and its overall height, size and scale, the proposed two storey extension would not appear to be well integrated with the host property. Rather, it would appear as an overly prominent, incongruous and discordant feature, which would be out of keeping the pattern of development and the predominantly single storey rear additions and outbuildings that are adjacent to the access road. The proposal would be clearly visible from surrounding properties, the access road and The Grove and in my view, it would be harmful to the character and appearance of the existing building and the surrounding area.
 9. Whilst I appreciate that the proposed extension which would form the new dwelling would replace an existing extension, this extension is single storey along its length and is a form of development that is similar to other additions to the commercial units along the High Street.
 10. The appellant has also highlighted a number of examples of large extensions to properties in the High Street and Station Road, including two and three storey extensions. Most of these examples were approved several years ago. I accept that the Council has historically approved sizeable extensions to properties in High Street and Station Road, some of which are of a poor quality and are harmful to the character and appearance of the area. The presence of these extensions does not however justify further incongruous development. Moreover, none of the examples provided appear to be directly compatible to the design of the appeal proposal, which in any event, I am required to determine on its own merits.
 11. I therefore conclude on this issue that the proposed extension would have a harmful effect on the character and appearance of the area. As such it would not comply with Policies 4 and 37 of the Bromley Local Plan (2019) (LP) which

¹ LPA ref. 16/00066/FULL1

² Appeal ref. APP/G5180/W/19/3224150

collectively require that development is of a high standard of design and layout which enhances the quality of local places.

Living conditions

12. The Council's delegated report confirms that the main windows of concern are those on the rear elevation of Nos 21 and 23 High Street. The proposed two storey element of the extension would be separated from the main rear elevation of 21 High Street by 5 metres. The hipped roof design would further increase the distance to the main ridge of the two storey extension. The proposed two storey extension would be of a similar height to the first floor windows on the rear of Nos 21 and 23 and would be higher than the existing single storey extension. However, the proposed single storey part of the extension would be lower than the existing structure, with a maximum height of about 3.4m.
13. The appellant has submitted a Daylight and Sunlight Assessment (the DSA) in support of their appeal which assesses the impacts of the scheme on one ground and two first floor windows on the rear of 23 High Street and on the two first floor windows on the rear of No 21. The assessment is based on calculations of Vertical Sky Component (VSC) for daylight and Annual and Winter Probable Sunlight Hours for sunlight, as recommended in the Building Research Establishment (BRE) guidance.
14. The BRE guidance target for daylight, the VSC, is 27% or if reduced to below this, no less than 0.8 times the former value. The DSA shows that all windows assessed retain 80% of their current value and that the proposal would be BRE compliant in relation to daylight impacts. Furthermore, with regard to sunlight, the DSA concludes that all of the assessed windows retain greater than 80% of hours, both annually and over the winter months and that the proposal would be compliant with BRE guidance in relation to sunlight impacts.
15. The Council's appeal statement comments on the effect of the proposal on the occupiers of No 19 High Street. The closest first floor windows on the rear elevation on No 19 are recessed and in my view would be unlikely experience any significantly reduction in light as a result of the proposal. I therefore conclude that the proposal would not harm the living conditions of occupiers of neighbouring properties with reference to light.
16. Turning now to the effects of the proposal on outlook, the blank flank wall of the proposed two storey extension would be directly opposite the first floor windows on the rear of No 21. Given the limited separation distance of 5 metres to this wall, in my view the proposed development would appear close and oppressive. Whilst more oblique views would also be obtainable from these windows, I nonetheless conclude that the proposal would be oppressive and overbearing and would be harmful to the living conditions of the occupiers of the first floor flat at No 21. The proposed two storey element of the extension would also be visible from windows on the rear of Nos 19 and 23 High Street although direct views to the rear would be uninterrupted. The outlook from these windows would therefore be impacted on less and having regard to the built-up character of the area, I do not consider that the living conditions of the occupiers of Nos 19 and 23 would be significantly harmed by the proposal.
17. In conclusion on this issue, whilst I have concluded that the proposal would not harm the living conditions of neighbouring occupiers with reference to light, I

have concluded that the proposal would have a harmful effect on the living conditions of the occupiers of 21 High Street, with reference to outlook. In this regard, the proposal would be contrary to Policy 37 of the LP which among other matters, seeks to protect the amenities of occupiers of neighbouring buildings.

Other Matters

18. The Council has acknowledged that it currently does not have a five year housing land supply. As such it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply as set out in paragraph 11 of the National Planning Policy Framework (the Framework).
19. The provision of one additional dwelling would make a small contribution to the Council's supply of housing and there would also be a social benefit in providing for an additional dwelling. Economic benefits would also arise from the construction and occupation of a new dwelling. When judged against some of the core planning principles the proposal would perform well in that it would be in an urban area where access to facilities is likely to be greatest. However, good design is also a key aspect of sustainable development.
20. Given the harm I have identified to the character and appearance of the area and to the living conditions of occupiers of 21 High Street, I consider the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole, including its presumption in favour of sustainable development.

Conclusion

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

J Davis

INSPECTOR