

Appeal Decision

Site visit undertaken on 20 August 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 08 September 2021.

Appeal A Ref: APP/G5180/D/21/3274666

34 Ruskin Drive, Orpington, BR6 9RR

- 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 Miss Melissa Ali (Oakley Fitness TWE Ltd) against the decision by the London Borough of Bromley.
 - The application, ref. DC/21/01044/FULL6, dated 3 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is described as a single storey rear extension.
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Appeal B Ref: APP/G5180/D/21/3274663

34 Ruskin Drive, Orpington, BR6 9RR

- 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 Jengiz Ali (Oakley SE Ltd) against the decision by the London Borough of Bromley.
 - The application, ref. DC/21/01025/FULL6, dated 2 January 2021, was refused by notice dated 5 May 2021.
 - The development proposed is described as a single storey infill extension and pitched roof over existing flat roof area and lowering of parapet wall.
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Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Preliminary Matters – Both Appeals

3. This decision deals with two planning appeals under s78 of the Town and Country Planning Act 1990. Appeal A appears to propose a 5 metre rear extension along the side property boundary with No.32 Ruskin Drive; whereas Appeal B appears to propose an 8 metre rear extension along the side property boundary with No.32 to join the end wall of the permitted rear extension to the rear wing. Whilst each of the appeals are to be considered individually under these processes, as the cases are for the same site, and are similar in their nature and considerations; to avoid repetition and for the avoidance of doubt, I have dealt with each of the appeals within this single letter.
4. The appeal dwelling has an existing planning permission¹ for extensions to the rear of the existing dwelling. The approved plans show the proposal extending three metres along the side boundary of the adjoining neighbour

¹ Bromley Planning Ref: DC/20/05429/FULL6

at No.32 Ruskin Drive. On my site visit some trenches were in place which appear to be the foundations of the approved extension. I have therefore considered the proposals on this basis.

Main issue – Both Appeals

5. The main issue is the effect of the proposed development upon:
- The character and appearance of the host dwelling and the locality; and
 - The living conditions of No.32 Ruskin Drive, with particular regard to outlook and enclosure.

Reasons – Both Appeals

Character and Appearance

6. The appeal site is located along Ruskin Drive, which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the mid-twentieth century. Ruskin Drive slopes from north to south-east with detached and semi-detached bungalows which have a symmetry in their placement and which follow the slope of the street. Where the slope becomes less steep, the built form changes to two storey dwellings further along Ruskin Drive. Whilst there is a variance in design, there is some cohesion in building elements such as hipped rooves, large chimney stacks, and the use of brick detailing with render.
7. In terms of their placement, the dwellings maintain a similar spacing with front gardens, and visual gaps in between properties which give a sense of spaciousness in and around dwellings. There is evidence of small extensions along the street, however these remain subservient to the host dwellings. The use of traditional materials such as brick, and clay roof tiles along with the similar designs reinforce an architectural integrity, uniformity and authenticity which creates a formal picturesque townscape which along with vegetated front gardens and street trees gives a leafy and distinctive character. Additionally, due to the topography of the land, wide ranging views to the rear of the properties, particularly from the greenspace of Ruskin Drive and Newstead Avenue. The designs of the dwellings along this section of Ruskin Drive are relatively small, simple and functional in design and give a proportionate and largely authentic form.
8. The appeal site displays a number of positive qualities which are experienced within the street scene, being one of the characteristic semi-detached bungalows and containing many of the design elements and original roof forms and functional designs which reinforce the local character and distinctiveness of the area. The semi-detached bungalows along the street (which includes the appeal site) each have small rear wings setback from the boundary which reinforce a symmetry between the pair of semi-detached dwellings. Given the slope of the land across the width of the appeal site, there would be a storage space constructed under the extension in order to give level access.
9. In undertaking extensions and alterations to residential dwellings, the London Borough of Bromley Local Plan 2019 (LP) Policy 6 seeks to ensure that residential extensions satisfy criteria relating to the scale, and form of the host dwelling and the surrounding area. Additionally, LP Policy 37 contains a number of design criterion which seeks that the general design of development be of a high standard and that alterations are compatible with

the scale, proportion, form and character of the locality; and positively contributes to the existing street scene, amongst others.

10. In Appeal A, the proposed rear extension would project approximately five metres along the side boundary. The extension would be inset from the rear of the overall length of the rear wing, after it is extended, however would present as an overly long extension which would have a similar depth to the main component of the host dwelling. The proposed rear extension in terms of its length would not be considered as a subservient addition to the host dwelling and would be detrimental to its architectural integrity and the character and appearance of the locality.
11. I note comments in the applicant's Statement of Case (SoC) that there are examples of rear extensions along the street that are similar, such as No.30 Ruskin Drive. Unlike the appeal site, No.30 is a detached dwelling where the extension to the rear is proportionate to the existing dwelling and offset from the side boundaries which reinforces the sense of spaciousness in and around the buildings. As such I do not consider that the extension to this dwelling or others along the street would be identical considerations which justify the proposed extension.
12. For Appeal B, the proposed extension would project approximately 3 metres further than Appeal A, which would accentuate the effects caused as described previously. In both appeals, the proposed rear extensions would have an uncharacteristic depth which would not be a subservient addition to the host building and would therefore have an incongruous appearance that is harmful to the character and appearance of the host building and the locality.
13. In conclusion on this matter, Appeals A and B would not be an appropriate form of development which would be contrary to LP Policies 6 and 37 as described previously.

Living Conditions, with regards to outlook and enclosure

14. The main concerns raised by the Council are with relation to the length and height of the extension which would be constructed along the side boundary and the resultant effect towards the neighbour at No.32. The neighbouring property is the other half of the semi-detached dwelling from the appeal site, and replicates the footprint of the appeal dwelling with a small rear wing projecting off the host dwelling setback from the boundary of the appeal site. The neighbouring dwelling has a raised platform to the rear which appears to be used by the neighbour for a formal area for the placement of outdoor furniture and enjoyment of their private garden. The permitted extension of 3 metres would erect a wall along much of the raised platform of the neighbours property providing some enclosure of their rear platform area.
15. Under Appeal A, the wall of the single storey extension along with undercroft would appear to project further along the boundary for approximately 2 metres. Whilst I appreciate comments that the applicant considers the proposal is 'minimal;' I do not share this opinion. The proposed extension would contain a pitched roof that would slope away from the boundary, however the additional length and height of the blank wall along the boundary would give a poor and enclosed outlook from the neighbour's rear platform area, causing severe detriment to the outlook and sense of enclosure from the neighbouring property.

16. Appeal B contains a wall that is an approximately 3 metres longer than Appeal A, which would increase the sense of enclosure and poor outlook from the neighbouring property at No.32 as previously described. In conclusion of this matter, the proposed extensions as detailed in Appeals A and B would both result in detrimental living conditions towards the neighbouring property at No.32 Ruskin Drive. Consequently both appeals would be contrary to LP Policy 37 (e) which seeks that development respect the amenity of neighbouring buildings.

Other Matters – Both appeals

17. I note comments in the Applicant's SoC with regards to the lack of representations from neighbouring residents with regards to the proposal. The lack of objection does not mean that the development is acceptable when assessed against the policies of the development plan. I have assessed both of the applications on their merits which has shown to be contrary to the policies of the development plan.

Conclusion – Appeals A and B

18. For the reasons given above, and having considered all other matters raised, Appeals A and B are dismissed.

J Somers

INSPECTOR