



Appeal Decision

Site Visit made on 14 September 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/G5180/W/21/3268674

123 Kings Road, Biggin Hill, Westerham TN16 3NH

- 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 D Anderson against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/00575/FULL1, dated 3 February 2020, was refused by notice dated 19 November 2020.
 - The development proposed is single storey rear extension to provide additional space for the ground floor veterinary surgery.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has confirmed that the correct site address is as stated on the appeal form. This address reflects the Council's decision notice, and I have therefore used it in the banner heading above.

Main Issues

3. The main issues are (i) the effect of the proposal on the living conditions of the occupiers of 121 Kings Road with particular regard to light and outlook and (ii) the effect of the proposal on the character and appearance of the host building and area.

Reasons

Living Conditions

4. The appeal relates to a detached property which accommodates a veterinary surgery at ground floor level. The proposed extension would significantly increase the depth of the appeal building, and even taking the appellant's figure in preference to the Council's assessment, it would project around 7m beyond the rear of the neighbouring dwelling at 121 Kings Road.
5. The extension would be single-storey with a flat roof, but would still be of much greater height than the fence that currently marks the boundary to No 121, and would be readily visible from the neighbouring rear windows and garden. No 121 is also positioned close to the boundary, and despite being set in by around 2.27m, the extension would therefore still be fairly close to this neighbour. In combination with the slightly higher land level of the appeal site, I find that the significant depth of the development beyond the rear of No 121 in such close proximity would be dominant and visually intrusive.

6. Given the height of the development and the separation that would be provided to the boundary with No 121, I do not consider that it would result in significant overshadowing or loss of light. However, this does not outweigh the harm that I have identified would be caused in respect of outlook.
7. I therefore conclude on this main issue that the proposal would be overbearing, and would cause unacceptable harm to the living conditions of the occupiers of 121 Kings Road. It would accordingly conflict with Policy 37 of the Bromley Local Plan 2019 (LP) which includes a requirement that development respects the amenity of occupiers of neighbouring buildings.

Character and Appearance

8. Kings Road is predominantly characterised by semi-detached and detached dwellings which vary in architectural style and overall scale, some of which include rear extensions that are appreciable from the street scene.
9. The proposed extension would be relatively deep in comparison to the host building. However, the position of the extension and relationship with the host and neighbouring buildings as well as dense vegetation along the boundary with 125 Kings Road would significantly restrict opportunities for views of it from the street scene. Moreover, the building line along this part of the street is not uniform, and No 125 is set significantly deeper in its plot than the appeal building. Given these factors, I do not consider that the depth of development on the appeal site would appear excessive or conspicuous, and the impact on the character and appearance of the area would be limited.
10. In addition, the extension would have a flat roof form which would be set well down from the first floor windows to the rear of the building. It would be finished in differing materials to the host property, but given the mix of finishes to other buildings nearby, I do not consider that this would be incongruous. The contrast would also serve to break up the mass of the building, reducing its visual impact, and in my judgement the extension would appear as a generally subservient and sympathetic addition to the building. While I noted a number of existing outbuildings to the rear of the appeal building, a long garden would also be maintained beyond the rear of the extension. There would also be spacing to the boundaries at its sides, and I am satisfied that the development would not be disproportionate to the site overall.
11. For these reasons, I conclude on this main issue that the development would not be harmful to the character or appearance of the host building or area, and in this regard I find no conflict with Policy 37 of the LP insofar as it seeks development that complements the scale, proportion, form, layout and materials of its surroundings. Similarly, it would accord with requirements within the Framework seeking high quality design and development that is sympathetic to local character and which adds to the overall quality of an area.

Other Matters

12. While I have taken into account additional concerns raised by interested parties, including in relation to noise and disturbance and parking pressure resulting from the proposal, these matters do not alter my conclusions on the main issues.
13. I have also noted the appellant's comments that if the appeal building were a dwelling, extensions could be carried out under permitted development rights.

However, it is not, and I have considered the proposal on its merits with regard to relevant policies of the development plan. In any event, the proposed rear extension exceeds the depth above which there would be a requirement for adjoining owners and occupiers to be notified of a larger extension to a dwelling under permitted development. Should objections be received in response to such notification, prior approval would be required as to the impact of the proposal on the amenity of adjoining premises, and I cannot be sure that this would be granted. Even if the appeal building were a dwelling, it is not therefore clear that similar works to those before me as part of this appeal could be carried out under permitted development.

Planning Balance

14. The Framework advises that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs. The development would provide for a sterile theatre, x-ray room and preparation and storage areas, and is proposed to allow the surgery to meet the Royal College of Veterinary Surgeons Practice Standards Scheme. It would make efficient use of the site and would increase the available space at the premises, but the appellant indicates that there would be no increase in numbers of employees or clients visiting the site. Economic benefits associated with the construction of the development and additional payments including business rates would also be limited given the small scale of the development. Moreover, no substantive evidence has been submitted to demonstrate that the business is unviable in the current premises, nor that it would no longer be able to offer a service to the local community in the event that the appeal were to be dismissed, leading to increased journeys by vehicle. Similarly, there is little to show that the building would be unsuitable for residential occupation in the absence of the proposed extension. Accordingly, and given the limited scale of the proposal, the weight that I give to these benefits is limited.
15. I note that the Council's Highways and Environment and Public Protection consultees have not objected to the development, but this is a neutral factor and weighs neither for nor against the proposal.
16. Conversely, there would be unacceptable harm to the living conditions of the occupiers of 121 Kings Road. This harm would not be mitigated by the lack of identified harm to other neighbouring properties, and attracts significant weight which I find would outweigh the benefits associated with the development.

Conclusion

17. The proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR