



Appeal Decision

Site Visit made on 28 October 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09/11/2021

Appeal Ref: APP/G5180/W/21/3270341

150 Kingsway, Petts Wood, Orpington BR5 1PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs Williams against London Borough of Bromley.
 - The application Ref 20/04607/FULL6, is dated 12 November 2020.
 - The development proposed is demolition of existing conservatory and replacement with a two storey / single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and replacement with a two storey / single storey side extension at 150 Kingsway, Petts Wood, Orpington BR5 1PU in accordance with the terms of the application, Ref 20/04607/FULL6, dated 12 November 2020, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. PLA002 Revision A (Proposed floor plans and elevations), PLA003 (Proposed block plan), PLA004 (Location and site plans).
 - (3) The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing dwelling as detailed on the approved drawings and section 7 of the accompanying planning application forms.
 - (4) The first-floor windows in the 'North elevation' of the dwelling facing No 16 Towncourt Crescent and annotated as being obscure glazed on Drawing No PLA002 Revision A, shall be fitted with obscure glazing and shall be non-opening unless the parts of the window which can be opened are a minimum 1.7m above the respective internal floor level at all times.

Preliminary Matters

2. The Council has set out the grounds on which it contests the appeal within its statement of case. I have taken this into account in defining the main issues.
3. In the period since the appeal was submitted the Government published the revised National Planning Policy Framework July 2021 (the Framework) which is being brought into immediate effect for the purposes of

decision-making. The London Plan (March 2021) (LP 2021) has also been published during this period. The Council's statement of case refers to both of these documents and the appellant has had an opportunity to respond within their final comments.

Main Issues

4. The main issues are:

- (i) the effect of the proposal on the character and appearance of the Petts Wood Area of Special Residential Character (ASRC); and
- (ii) the effect of the proposal on the living conditions of occupiers of No 16 Towncourt Crescent with particular regard to means of light and outlook.

Reasons

Character and appearance

- 5. The Petts Wood ASRC is predominantly characterised by mainly detached and semi-detached dwellings of varied design but predominantly of a traditional style. Dwellings in the area often incorporate white-painted rendered elevations with neo-Tudor timber detailing and steeply pitched roofs clad in small plain tiles. Deep plots with mature landscaping within gardens are also common. The consistency in terms of the quality of design, spacing between dwellings, generous plot sizes and the planting within them make for a high quality suburban residential environment. The form and appearance of the two-storey detached appeal dwelling and its position within a spacious corner plot means that it closely reflects the common characteristics of the ASRC.
- 6. The extension would be set away from the boundaries with Kingsway and Towncourt Crescent and would closely align with the established building frontages on these roads. The two-storey rear elevation would align with the existing elevation facing No 16 Towncourt Crescent. In that regard, the evidence before me indicates that the proposal would accord with the minimum side space requirements in the London Borough of Bromley Local Plan (2019) (BLP). The single storey element would be discreet in position and design. Complementary materials, including mock Tudor detailing would be incorporated, and the roof would have similarly angled roof pitches to those existing. As a result, the appearance, layout and scale of the proposals would sit comfortably within the plot and would be sympathetic to the defining characteristics of the ASRC.
- 7. I conclude, the development would have an acceptable effect on the character and appearance of the Petts Wood ASRC. In that regard it would comply with the design and character requirements of Policies 6 (Residential Extensions), 8 (Side Space), 37 (General Design of Development) and 44 (Areas of Special Residential Character) of the BLP and Policies D3 (Optimising site capacity through the design-led approach) and D4 (Delivering good design) of the LP 2021.

Living conditions of occupiers of No 16 Towncourt Crescent

- 8. The proposal would sit parallel with the side elevation of No 16 Towncourt Crescent. There is a first-floor clear glazed window in this neighbouring side

elevation serving a staircase and landing area. Even so, there would be a substantial gap between the window at No 16 and the two-storey wall of the proposal given their respective positions set away from the shared boundary. The roof slope over the extension would also be hipped away from the boundary with No 16. These factors would ensure that adequate levels of daylight and outlook would be retained given that the neighbouring window does not serve a main habitable room.

9. During my site visit I also saw for myself the close proximity of the appeal dwelling to the rear windows and garden area of No 16. In contrast, the extension would be set away from the external spaces and main habitable windows serving No 16. As a result, even though the extension would be visible in oblique views from the gardens serving No 16, it would not materially harm levels of outlook or light beyond the existing situation.
10. I conclude, the development would have an acceptable relationship with the living conditions of No 16 Towncourt Crescent with particular regard to levels of outlook and light. In that regard the proposal would accord with the requirements for proposals to respect neighbouring amenity and to be compatible with development in the surrounding area in Policies 6 and 37 of the BLP.

Other Matters

11. The previous appeal decisions referred to by the Council and third parties related to extensions to the eastern side of the host dwelling, parallel with the rear garden serving No 16 Towncourt Crescent. Therefore, these examples are not comparable to the appeal proposal and do not alter my conclusions under the main issues.
12. With regards to other concerns raised by third parties, the internal layout shown on historic planning applications is not material to an assessment of the scheme before me. Any potential for the subdivision of the appeal dwelling into separate dwellings has also not influenced my decision given separate planning permission would be required. From the evidence before me and from what I saw on site, the vegetation to the shared boundary with No 16 was not of such merit to warrant any special protection. Any requirements to remove sections of this vegetation to facilitate construction of the extension would be a private matter.

Conditions

13. I have attached the standard timescale for implementation and an approved plans condition in the interests of certainty. As suggested by the Council, I have attached a condition relating to the materials used in the external surfaces of the development. To ensure the materials positively reflect those used on the existing dwelling and the wider ASRC, I have included a reference to the specific details of proposed materials and finishes detailed on the approved drawings and accompanying planning application forms.
14. Two new first floor windows are proposed in the elevation facing No 16 Towncourt Crescent serving a landing area. A condition requiring that any opening parts are a minimum 1.7m above the internal floor level and that the windows are obscure glazed is reasonable and necessary to ensure the proposal does not reduce levels of privacy for occupiers of No 16.

Conclusion

15. For the reasons given, the appeal is allowed.

M Russell

INSPECTOR