
Appeal Decision

Site Visit made on 26 October 2021 by S Witherley CIHCM MRTPI

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2021

Appeal Ref: APP/G5180/D/21/3277831

63 Kingsway, Petts Wood, Orpington BR5 1PN

- 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 V Vaickus against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/05155/FULL6, dated 17 December 2020, was refused by notice dated 2 June 2021.
 - The development proposed on the application form is: side and rear extensions and loft conversion.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of part single/part two storey side and rear extensions in connection with loft conversions (amended plans) at 63 Kingsway, Petts Wood, Orpington, BR5 1PN in accordance with the terms of the application, Ref DC/20/05155/FULL6, dated 17 December 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: Site location plan KW-982-PD-00; Proposed elevations KW-982-PD-03 Rev B; Proposed floor plans KW-982-PD-02 Rev B.
 - 3) The materials to be used in the construction of the external surfaces of the development, hereby permitted, shall match those used in the existing building.
 - 4) The development hereby permitted shall not be occupied until the first-floor windows on the side elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of the development given on the application form is set out in the banner heading above. However, in the formal decision above I have used the description given in the Councils decision notice as that adequately describes the development.

Main Issue

4. The effect of the proposal on the character and appearance of the appeal property and the surrounding area including the Petts Wood Area of Special Residential Character (ASRC) in which it sits.

Reasons

5. No.63 is a detached, two storey dwelling located in the Petts Wood ARSC. The area's character is defined by large dwellings, in regular building lines, set back from spacious front gardens and tree lined footpaths adjacent to the highway.
6. Whilst there is variety in terms of house types, with both semi-detached and detached dwellings set in spacious plots with varying separation distances between properties, there are similarities also. These can be seen throughout the area in the use of similar materials, shared architectural features including, projecting gable fronts, subordinate side additions and hipped roofs. Collectively, these make a positive contribution to the character and appearance of the immediate area and that of the wider ASRC.
7. The proposal seeks to extend out across the side and rear elevations at both ground and first floor with part of the first-floor rear extension wrapping around the side elevation. A crown roof would replace the existing flat roof with dummy pitch over part of the existing garage, and a box like dormer window would be inserted into the rear roof plane.
8. The proposal would add volume to the rear, side and roof scape, thus creating a larger dwelling. However, given the overall design, its use of similar materials and that it would retain many of the dwellings original features, such as the projecting gable front, subordinate side garage and hipped roof profile, it would retain the character of the original property and that of the area. The proposed depth would not be disproportionate to the dwelling and would not extend significantly beyond other rear building lines in the street. Moreover, it would not extend beyond the rear building line of the detached garage located along the shared boundary of the neighbouring property No. 71.
9. The proposed crown roof over the existing garage would increase its height, but would remain set down and back from the principal features of the dwelling. Additionally, whilst its crown roof design would be in contrast to the existing flat roof with pitched dummy, it would not appear out of keeping within the street scape given the variety of styles and forms of garage roofs seen throughout the area.
10. The existing property sits within a narrower plot than some of its larger and more spacious neighbouring properties. Nevertheless, given the overall modest scale and mass of the proposal, it would not appear disproportionate or out of scale to the existing dwelling or its plot size and hence would not be overdevelopment of the site. The existing separation gaps at either side of the ground floor would be retained further ensuring the proposal remains

proportionate within its plot and that it respects and maintains the existing spacious character of the area.

11. Overall, the proposal due to its design, mass, and use of similar materials would be appropriate and well matched to the existing dwelling and the surrounding properties. It would remain subservient and proportionate in size and scale to the original dwelling, its respective plot and that of the neighbouring properties.
12. For the reasons above, I conclude that proposed development would not harm the character and appearance of the appeal property and the surrounding area including the ASRC in which it sits. It thereby accords with Policy 6 of the Bromley Local Plan 2019 (BLP) which requires development, including extensions, to be of a high standard of design, which compliments the scale, form and materials of the host and the surrounding area, and to positively contribute to the street scene. There is also no conflict with Policy 37 of the BLP which supports the provision of well-designed development which positively contributes to the existing street scene and Policy 44 of the BLP which seeks to ensure development within the Petts Wood ARSC respects, enhances and strengthens its special and distinctive qualities.

Other Matters

13. A number of representations were received from surrounding neighbours. These focused on issues relating to the character and appearance of the proposal and its impact on the ASRV and over development of the plot. These matters have been addressed above.
14. In addition, issues relating to parking, blocking light to neighbouring properties and noise and disturbance during construction works, were all matters considered not to be harmful by the Council and I have no reason to consider otherwise. The Council was satisfied that the proposal would not unduly harm the living conditions of the residents of neighbouring properties, and I agree with that assessment having regard to the scale and position of the proposal, the distance from neighbouring properties, the internal layouts and the position and scale of intervening boundary treatments. Nevertheless, they have suggested a condition to secure obscured glazing to the windows located in the first-floor side elevations of the extended part to safeguard the neighbouring living conditions whilst not creating an unsatisfactory living environment for the future occupants. I agree that a condition in this regard would be considered reasonable and necessary to protect existing and future occupiers from any perceived overlooking.
15. In terms of precedent, no examples of where rear extensions may occur have been provided. In any event, each planning application and appeal is to be considered on its own individual merits. Given that I have found the impact to the character and appearance to be acceptable in this instance, based on the specific nature of the proposal and its location, I see no reason to conclude that an approval would set a precedent that would cause harm elsewhere. Consequently, a generalised concern of this nature is not sufficient reason to refuse the proposal.

16. Reference has been made to previous Inspectors' decisions. The first¹ relates to the appeal site and the erection of a replacement dwelling; the second relates² to two schemes within a neighbouring street both of which sought the demolition of the existing residential 3 storey dwelling and erection of a 2-storey block containing a number of residential units with associated access and parking spaces. The proposal in the first decision consisted of a dwelling which would have spanned more widely across the plot than the existing dwelling. That is not the case here. The second considered schemes of a different character to that proposed here. Therefore, I do not consider the proposals to be sufficiently comparable to the one before me to justify a similar decision. In any event, I have assessed the proposal before me on its own individual planning merits and have found in terms of character and appearance there would be no harm.
17. The Council as noted raised no issues regarding parking and again I see no reason to consider otherwise on this matter. However, in the officer's report, they make reference to the possibility that additional space at the front of the property may be required for parking which might result in the removal of the existing landscaping to the front of the dwelling. The Council therefore seeks a condition to ensure any future landscaping retains the *Garden Village* characteristics of the ASRC.
18. From the details submitted with the application there is no indication that the area to the front of the property would be removed and development take place as part of this proposal. I do not consider a condition securing soft landscaping in this instance would therefore be reasonable or necessary.

Conditions

19. As well as those considered above, I have had regard to the other conditions suggested by the Council and have attached those which meet the relevant tests, as set out at paragraph 56 of the National Planning Policy Framework, making changes to the wording, where necessary, in the interests of precision and clarity.
20. I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. A condition is necessary for the materials to match those that are used in the existing property to maintain the character and appearance of the area.
21. The Council has suggested a condition to remove the permitted development rights of *homeowner PD, HMO and garden PD*. It has suggested this is necessary to ensure the unique corner plot does not become a concrete jungle. Despite the appeal site not sitting upon a corner plot, I do not consider this condition is necessary, reasonable or relevant. The Planning Practice Guide (PPG) states that restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. There is no robust specific reasoning attached as to why the permitted development rights should be removed from this household, thereby I do not consider it reasonable or necessary to do so.
22. In addition, the Council suggests that a condition is attached which prevents the dwelling from becoming two dwellings. Given the nature of the application

¹ APP/G5180/W/20/3245922

² APP/G5180/W/17/3189325

before me, I do not consider that this condition is reasonable or necessary as there is no indication that this is what is being sought as part of the proposal before me. In any event, any future development proposal that requires planning approval can be sought via the appropriate process.

23. The Council also noted that a condition is required for *side space* but has not expanded on the reason for this. The PPG is clear that the local planning authority needs to give clear and precise reasons for the imposition of every condition. Given the limited reasoning I do not consider a condition is considered necessary, reasonable or relevant in this instance.

Conclusion and Recommendation

24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal.

Zoe Raygen

INSPECTOR