



Appeal Decision

Site visit made on 21 October 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2021

Appeal Ref: APP/G5180/D/21/3271501

10 Elm Grove, Orpington BR6 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Vasudevan Mundokulam against the Council of the London Borough of Bromley.
 - The application Ref DC/20/04821/FULL6, dated 26 November 2020, was refused by notice dated 9 March 2021.
 - The development proposed is Construction of rear pitched roof dormer, 3 rooflights in the flank roof slopes and insertion of rooflight in main crown roof.
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Decision

1. The appeal is allowed and planning permission is granted for Construction of rear pitched roof dormer, 3 rooflights in the flank roof slopes and insertion of rooflight in main crown roof at 10 Elm Grove, Orpington BR6 0AB in accordance with the terms of the application Ref DC/20/04821/FULL6, dated 26 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: dA.1924/PL/100 Rev A; dA.1924/PL/004 Rev A; dA.1924/PL/003 Rev A; dA.1924/PL/007 Rev C; dA.1924/PL/009 Rev A;
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr & Mrs Vasudevan Mundokulam against The Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Procedural matters

3. The Council altered the description of development from "*erection of pitched dormer to rear roof*" to "*Construction of rear pitched roof dormer, 3 rooflights in the flank roof slopes and insertion of rooflight in main crown roof*". This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.

4. Since the submission of the appeal, the National Planning Policy Framework from 2019 has been replaced, with the new version being published in July 2021 (the Framework). Amongst other changes, Section 12 has been amended to reflect the new National Model Design Code. Nevertheless the character protection aims of both local policy and the Framework are similar and so neither party has been prejudiced by this change in policy circumstances.
5. The appeal site is subject to a previous planning permission¹ for extensions to the side and rear, and the appellant confirms that a certificate of lawful development² was granted which dealt specifically with the conversion of the roof space and the insertion of rooflights. I note that at the time of the Council's decision for the appeal proposals, the certificate had not yet been issued however this is confirmed in the appeal documents.
6. At the time of my site visit, construction work was being carried out.
7. Notwithstanding any construction or the decisions made to date, my decision is based on the plans before me.

Main Issue

8. I consider that the main issue is the impact of the dormer window on the character and appearance of the area.

Reasons

9. The appeal site is a detached dwelling located within a residential street and at the time of my site visit, the approved works were underway. I was also able to see that the pitched dormer window had been inserted to the rear roof slope although the work was not at that time complete.
10. The dormer window remains below the ridgeline of the main dwelling and I was able to see that it was clad in plain concrete tiles to match the existing. The development is not visible from the street. For these reasons, I find the dormer window is not obtrusive nor dominant to the main house and as such does not cause any harm to the character and appearance of the local area.
11. Whilst the appeal site is a large detached dwelling, it is located on a street which slopes and as such roof levels vary, reflecting the changes in levels. Whilst this can have the effect of creating a dominant feature within the street, I was unable to see at my site visit that the development created any harm in terms of being dominant or overly elevated.
12. I note the concerns raised that the development would result in an additional floor within the dwelling. Notwithstanding, the proposed development is additional to works which have been permitted previously, and as such I am not persuaded that the addition of the dormer window to the rear elevation would result in over development and does not represent a development which is of a scale harmful to the local area.

¹ 19/04019/FULL6 – Demolition of existing side garage. Erection of a two storey side and rear extension and part single storey rear extension.

² 20/03040/PLUD – Loft conversion with roof lights Lawful Development Certificate Proposed

13. I am therefore satisfied that the development accords with Policy 37 of the Local Plan³, which expects a high standard of design and this follows the requirements of the Framework.

Other Matters

14. The Council's meeting minutes which refer to the overdevelopment of the site as a result of creating a three-storey dwelling. The proposed development would make use of the existing roofspace and would not increase the footprint of the dwelling other than where previously permitted.
15. There are concerns relating to overlooking and loss of light. Taking into account the height of the window and the distance to neighbouring properties, I do not find there would be any harm to neighbouring occupiers as a result of overlooking or loss of light and as such I find no overbearing to occupiers of neighbouring properties and concur with the Council's findings.

Conditions

16. In addition to the standard timescale for implementation condition, it is necessary to attach a condition to confirm the approved drawings in the interests of certainty. In the interests of the character and appearance of the area, I have also imposed a condition to ensure that the external surfaces materials would match the existing.

Conclusion

17. I have found that there is no harm to the character and appearance of the local area. I therefore conclude that, subject to the above conditions, and having regard to all other matters raised, the appeal should be allowed.

Rebecca Thomas

INSPECTOR

³ Bromley Local Plan (January 2019)