



Appeal Decision

Site visit made on 7 December 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19TH January 2022

Appeal Ref: APP/G5180/D/21/3283948 23 Oakfield Lane, Keston BR2 6BY

- 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 Tony Welch against the decision of the Council of the London Borough of Bromley.
 - The application Ref: DC/21/01327/FULL6 dated 17 March 2021, was refused by notice dated 23 July 2021.
 - The development proposed is double storey front extension, double storey side infill extension, first floor extension to create two storey dwelling, single storey rear extension and elevational alterations.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area, and
 - b) The effect of the proposal on the living conditions of neighbouring residents at Nos 21 and 25 Oakfield Lane.

Reasons

Issue a) Character and Appearance

3. The appeal property is a detached chalet style dwelling with attached forward projecting single garage, on the east side of Oakfield Lane, an attractive no - through road of detached houses all within a verdant setting. There is a variety to the age, design and style of the individual houses as well as the plot sizes. The appeal property is set markedly further back in its plot than the general pattern of development, and appears smaller, compared with the adjacent properties, No 21 to the north and No 25 to the south.
4. The proposal would extend forward to the front line of the existing garage with a two storey gable extension with a cat slide roof towards No 21 Oakfield Lane. Although it would not extend the property at the rear at either ground or first floor, it would infill and extend along the sides to form a more rectangular and regular layout over both floors. The overall height of the dwelling would be increased under pitched roofs.

5. Although the extended property would be brought forward at first floor over the existing garage, there would still be a good sized open space to the common boundary with No 25. The proposed extended dwelling would also remain at a lower overall height to the main roof height of No 25, with a pitched roof to assist in creating an open gap between the two properties.
6. The property would also come further forward and closer to No 21 but would still be set further back than most of that adjoining property. In street scene views, there would remain an acceptable gap to the common boundary, assisted by the cat slide roof to the forward projecting gable.
7. There would remain a staggered siting to the three properties and the proposed increase in height would result in a roof profile that would be lower than the roofs to the properties on either side, particular No 25. It would not therefore become an over dominant building in relation to its immediate neighbours or within the street scene.
8. Given the variety in the style and siting of the individual houses within Oakfield Lane, I am satisfied that the appeal property as proposed to be extended would not appear cramped within its plot or in relation to the adjoining properties. I conclude that it would not harm but would respect the varied character and appearance of the local area. There would be no conflict with Policies 6 (and in particular criteria a and b), 8 and 37 of the Bromley Local Plan as well as the Section 12 of the National Planning Policy Framework (Framework) all of which amongst other things seek for a high quality of design which respects the local context.

Issue b) Living Conditions of adjoining Neighbours

9. There is a marked set back of the appeal property in terms of its relationship with the neighbouring dwellings. Although the forward projecting garage is approximately in line with the part of the front of No 25, the front elevation of the main part of the appeal property is set back approximately half way along the depth of No 25 and is roughly in line with the rear elevation of No 21. As a result, the property, as existing, extends considerably to the rear of the two adjoining properties, albeit the two storey element enclosing the roof accommodation is generally set in from both sides under a pitched roof.
10. The proposal would seek to extend and regularise the layout of the property over two floors; it would not seek to increase the overall depth of the property beyond the existing rear building lines at either ground or first floor. In my assessment, I have taken into account the different levels between the buildings and the boundary planting.
11. The appeal property would be increased to two storeys under a pitched roof along most of its flank elevation adjoining No 25. The design has sought to reduce the impact with the use of pitched roofs and lower eaves lines towards the rear of the extended property, but it would still bring two storey, built development closer to the shared boundary with No 25 than existing. The property as proposed to be extended would present a much more solid mass of development close to the boundary with No 25 that would, in my view, be oppressive, particularly in views from the rear of the property and from the rear garden. This would harm the living conditions of the neighbours at No 25, in terms of impact on outlook.

12. No technical information has been provided to me in respect of daylight and sunlight levels. However, given the orientation of the appeal property in relation to No 25 I do not consider that there would be a material loss of light to No 25 and the proposed layout and fenestration proposals would avoid any direct overlooking and loss of privacy. However, this would not outweigh the harm to the living conditions of the neighbours from loss of outlook.
13. In respect of the relationship with No 21 to the north of the appeal property, the proposed front extension would extend further forward, part way along the side elevation of the adjoining property. However, given the detailed design with the cat slide roof and inset from the boundary, as well as the arrangement of windows in the side elevation of No 21, I do not consider that this element of the proposed design would be oppressive or overbearing for the neighbours at No 21.
14. Although the appeal property would not be extended rearwards, the flank elevation adjoining No 21 (behind the front extension with the catslide roof) would be increased in height to two storeys along the whole of that elevation and would also come closer to the common boundary at both ground and first floor. Whilst this part of the extended dwelling would be beyond the rear elevation of the neighbouring dwelling and views from the rear of that property would primarily be towards and over its own rear garden, I consider that the long and continuous extent of two storey development so close to the boundary would be an over dominant and oppressive feature which would be harmful to the outlook for the neighbours, especially within their rear garden as well as rear facing windows closest to the common boundary.
15. Again, no technical information has been provided to me in respect of daylight and sunlight levels. The appeal property lies to the south of No 21 and there may be some increased overshadowing, particularly to parts of the garden area to No 21 closest to the common boundary, as a result of the proposed extension. However, given the size of the plot serving No 21, I do not consider that this, on its own, would be a reason for withholding planning permission. The proposed layout and fenestration proposals would avoid any direct overlooking and loss of privacy. However, this would not outweigh the harm to the living conditions of the neighbours from loss of outlook.
16. I therefore consider that there would be a harmful effect on the living conditions of the neighbours of the adjoining properties at both Nos 21 and 25, with particular regard to loss of outlook. This would conflict with Policy 37 of the Bromley Local Plan and paragraph 130 f of the Framework, all of which amongst other things seek to protect the amenities of existing and future occupiers.
17. I have also taken into account Policy 8 of the Bromley Local Plan which indicates that normally the Council will require a minimum 1 metre space from the side boundary. Whilst that minimum spacing would be provided, the policy does not suggest that a development would be automatically acceptable if a 1m gap is provided; in this case the depth of the proposed two storey development in relation to the boundary and neighbouring development would, in my view, have a harmful effect on the living conditions of the neighbours on both sides.

Other Considerations

18. Concerns have been raised over rights to light, but this is a private rather than a planning matter. There is also a concern that the existing building could not structurally support the extent of works proposed and that the proposals would be for a replacement, larger dwelling. However, I have assessed this on the basis of the submission, namely for extensions and alterations to an existing dwelling.
19. My attention has been drawn to two earlier schemes for extensions and alterations to the appeal property, both of which were refused permission by the Council under their References: 19/03357/FULL6 and 20/00489/FULL6. The scheme the subject of the latter refusal was also dismissed at appeal under Reference APP/G5180/D/20/3252406. I have been provided with that decision letter as well as the scheme proposals for both the earlier proposals. Whilst I appreciate that the Appellant has sought to address the concerns raised in respect of these earlier schemes, my decision is based on the planning merits of the scheme before me, which is materially different to the earlier schemes. Nonetheless I find nothing inconsistent in the decision I have reached and the earlier appeal decision.

Conclusion

20. I have found that the proposal would respect the character and appearance of the local area. However, this does not outweigh the harm I have concluded to the living conditions of the immediate neighbours at Nos 21 and 25, with particular regard to loss of outlook.
21. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR