



Appeal Decision

Site visit made on 21 October 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022.

Appeal Ref: APP/G5180/D/21/3273527

11 Kennedy Close, Petts Wood, Orpington BR5 1HP

- 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 M K Zaman against the Council of the London Borough of Bromley.
 - The application Ref DC/20/03819/FULL6, dated 22 September 2020, was refused by notice dated 9 March 2021.
 - The development proposed is conversion of garage to habitable room and erection of single storey side rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage to habitable room and erection of single storey side rear extension at 11 Kennedy Close, Petts Wood, Orpington BR5 1HP in accordance with the terms of the application Ref DC/20/03819/FULL6, dated 22 September 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: Existing ground floor plan; existing and proposed front & rear elevation; existing side elevations; pre-existing ground floor plan (current building works); pre-existing front and rear plan (current building works); pre-existing side elevations (current building works); proposed ground floor plan; proposed front and rear elevation; proposed side elevations; revised block plan showing neighbouring extension.
 - 3) The materials to be used in the construction and finish 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 M K Zaman against The Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Procedural matter

3. At the time of my site visit I was able to see that part of the works had commenced, with a window inserted into the opening where the garage door had previously been. This is reflected in both parties' appeal documentation.

Main Issues

4. The effect of the proposed development on the character and appearance of the area;
5. The effect of the proposal on the living conditions of the occupiers of the occupiers of no. 12 Kennedy Close with regard to noise and;
6. Whether the proposal makes adequate provision for parking off-road and the effect of any lack of provision on highway safety.

Reasons

Character and appearance

7. The appeal site is a two storey link detached dwelling within a residential street, located on a corner plot. Dwellings are uniform in design and style, with dual pitched roofs, matching grey brick and white detailing and timber cladding. I was able to see that the appeal site has a single storey rear extension, which was mirrored by a similar rear extension to the neighbour at no.12 Kennedy Close.
8. The proposed development consists of replacement of the garage doors with a window and would be finished to match the existing dwelling. The rear extension would be extended in height whilst retaining a flat-roof as is the current rear outrigger. The depth of the rear extension would not be increased and the development would remain only just visible from the street. There would be no additional footprint to the dwelling across the plot, which would retain its existing outdoor space.
9. The proposed development is modest in scale to the existing dwelling and would not cause harm to its character or appearance and by virtue of the modest development would not represent 'overdevelopment' of the site.
10. Policy 37 of the Local Plan¹ expects a high standard of design and sets out a number of specific criteria to be considered for all developments, including (amongst other things) ensuring that development is of good architectural quality and complements the scale, proportion, form, layout and materials of adjacent buildings and areas. In this respect the proposed development accords with Policy 37 and principles of the National Planning Policy Framework (the Framework) that seek good design sympathetic to the local area.

Living conditions

11. The council states that the garage conversion would be adjacent to the sitting room of no.12 and raises concern with regard to noise generated from a room rather than a garage. I consider that the conversion would include furniture and furnishings as well as the necessary cladding and insulation required for a standard room. Therefore, any noise would not be excessive beyond that

¹ Bromley Local Plan 2019 (January 2019)

usually experienced between dwellings where there are shared walls. I am not provided with any evidence to demonstrate that the change in use from a garage to a habitable room nor the proposed extension would be unacceptable to neighbouring occupiers from noise disturbance.

12. Policy 37 of the Local Plan expects respect for the amenity of neighbouring buildings from noise and disturbance. Having regard to my findings above, I am satisfied that the proposed development accords with Policy 37 and principles of the Framework including ensuring current and future needs of residents are met.

Parking and Highways safety

13. I note the concerns raised that the loss of the garage would result in insufficient on-site parking, however I was able to see that the property would be able to provide parking for two cars on site. The Council is concerned about the effect of the development and the impact to local services such as waste collections, emergency services and the free flow of traffic. The appeal site would be able to provide parking for 2 cars, even with the loss of the garage. However, there is little evidence provided by the Council as to how the development would directly influence parking on the street and how this would have a harmful effect on highway safety.
14. At my site visit, I did not see any parking restrictions in Kennedy Close, nor did there appear to be much on-street parking at the moment which could indicate a high degree of evidence of a clear parking problem. Added to this, I noted that Kennedy Close is a no through road which would indicate that traffic flow through the close would be limited to those drivers with a defined destination in the street. Therefore I consider that it has not been demonstrated that the proposal would result in harm to highways safety and free flow of traffic.
15. The proposal would not result in new residential development and as such Policy 30 of the Local Plan which sets out minimum parking standards is not applicable. Even so, providing 2 parking spaces to the front of the dwelling would ensure that the development would be able to comply with this policy. Similarly, the development would not result in significant traffic generation and as such, Policy 31 of the Local Plan does not apply in this instance. I find no conflict with Policy 32 of the Local Plan which seeks to ensure road safety and those principles of Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
16. I have also had regard to the Council's Highways Officer who has not raised an objection. Overall on the issue, I find that the level of parking provision would be unlikely to harm highway safety and local amenity.

Conditions

17. In addition to the standard timescale for implementation, 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

18. 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