



Appeal Decision

Site visit made on 2 March 2022

by R J Redford MTCP MTRPI

an Inspector appointed by the Secretary of State

Decision date: 14 MARCH 2022

Appeal Ref: APP/G5180/D/21/3285403

36 Eastry Avenue, Hayes, Bromley BR2 7PF

- 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 & Mrs Lawson against the decision of the London Borough of Bromley.
 - The application Ref 21/03319/FULL6, dated 30 June 2021, was refused by notice dated 13 September 2021.
 - The development proposed is a part two storey side and rear extension with part single storey extension and elevational alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a part two storey side and rear extension with part single storey extension and elevational alterations at 36 Eastry Avenue, Hayes, Bromley BR2 7PF in accordance with the terms of the application, Ref 21/03319/FULL6, dated 30 June 2021, 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:
 - 4399-20-PL001 P2
 - 4399-20-PL002 P2
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials to match the external surfaces of the host dwelling.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal property is a two-storey, semi-detached dwelling within a suburban area of similar properties. The properties are grouped in semi-detached pairs or short terraces and are set back from the road behind parking areas and front gardens. The pairs or short terraces are reasonably separate from each other with single storey side extensions and/or garages narrowing the separation at ground floor level. The appeal property is located on a curve in the road layout behind a small area of public open space. Due to this layout, the gap between

- the appeal property and the adjacent property, 38 Eastry Avenue, is less obvious than the gaps between other properties in the area. This means that the side elevation and existing single storey side extension of the appeal property are largely screened by No 38 and its semi-detached neighbour, 40 Eastry Avenue.
4. The relatively spacious gardens of the appeal property and its neighbours are set at a raised height to the houses. They enjoy an open aspect towards the mature trees, public footpath, and recreational land beyond their rear boundaries. When the site was visited the trees were not in leaf and there were views of the upper section of the rear elevation of the appeal property and the neighbouring properties from the public footpath.
 5. The proposed extension would be subservient in height and set further back from the frontage of the appeal property than the existing single storey side extension. On visiting the site, it was evident that due to the location and building orientation, the extension would be predominantly screened by the appeal property itself and Nos 38 and 40 when viewed from Eastry Avenue. Due to the high level of screening and setback position, the lack of similarity between the proposed extension and the attached property's side extension would not be so unbalancing, as to be out of keeping with its surroundings. There would still be adequate spacing between the appeal property and No 38, and with the glimpsed views of the trees beyond an acceptable level of openness would be maintained. The proposal would, therefore, not harm the character and appearance of Eastry Avenue.
 6. Turning to the rear aspect, the proposed extension would be considerably larger than any other rear extensions noted, and the upper parts would be visible from the public footpath. However, the rear elevations of the appeal property and its neighbours are wide and plain in form, designed for functional use rather than representing a unique or unusual design. The proposed depth and width of the rear extension could be absorbed by the appeal property without harming its open rearward aspect or those of neighbouring properties. The subservient roof height, and proposed use of matching materials would also ensure a cohesion between the existing dwelling and proposed extension. Therefore, as views of the rear of the appeal property are at a distance, the proposal would form part of the built development already in existence and would not stand out against it. Although the proposed extension would introduce a new element into the area, it would not harm the character and appearance when viewed from the rear.
 7. The Council's concern relating to the roof form is noted, however there are numerous examples of hipped and pitched roofs on other properties within the immediate area of the appeal site. It is considered in this instance that it would not be an overly complicated roof form with the side hip repeating the angle of the existing gable as well as replicating that on the proposed porch.
 8. Reference to several policies from the Bromley Local Plan (2019) (Local Plan) and London Plan (2021), the National Planning Policy Framework (2021) (the Framework) and Supplementary Planning Guidance, in relation to building design, have been made by both main parties. I have had regard to these. The lack of harm to the living conditions of occupants of adjacent neighbours and that no objections were received during the application process is also noted.

9. In conclusion, therefore, the proposal would not harm the character and appearance of the surrounding area. It would comply with Local Plan Policy 6 and 37, insofar as they relate to character and appearance.

Conditions

10. I have imposed conditions to secure commencement within the relevant statutory timeframe and requiring adherence to the approved plans. To ensure the proposal integrates acceptably within the character and appearance of the area, I have also imposed a condition that matching materials should be used.
11. It is noted that the RSPB Bromley Local Group requested a condition for a swift nest brick. I consider such a condition unnecessary, thereby falling short of the tests set out in paragraph 56 of the Framework.

Conclusion

12. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be allowed.

RJ Redford

INSPECTOR