



Appeal Decision

Site visit made on 8 March 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2022

Appeal Ref: APP/G5180/D/21/3287742

3 Nightingale Road, Petts Wood, Orpington BR5 1BG

- 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 M Callaghan against the decision of the Council of the London Borough of Bromley.
 - The application Ref 21/00533/FULL6, dated 4 February 2021, was refused by notice dated 5 October 2021.
 - The development proposed is an extension to the back of the property to increase ground and first floor living/bedroom areas. Extension to increase porch area.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to the back of the property to increase ground and first floor living/bedroom areas. Extension to increase porch area, at 3 Nightingale Road, Petts Wood, Orpington BR5 1BG in accordance with the terms of the application, Ref 21/00533/FULL6, dated 5 February 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of neighbouring occupants, with particular regard to light and outlook.

Reasons

Character and Appearance

3. The appeal property is a semi-detached dwelling, located close to the main shopping area of Petts Wood. This part of Nightingale Road is characterised by semi-detached dwellings of similar appearance to that of the appeal property. Some dwellings in the vicinity have been subject to side and front alterations, and there are examples where the dwelling has been extended up to the side boundary with the neighbour.
4. The proposed L-shaped extension to the front entrance and side of the appeal property would use matching materials and appear as a subservient addition that would not step forward of the building's front elevation. It would be built out to the side boundary with 5 Nightingale Road but would not be of a height and scale to create the appearance of a terrace. As such, it would respect the appearance of the existing building and be in keeping with the character and appearance of the wider area.

5. An elongated, single storey flat roof structure would result from works along the side boundary with 5 Nightingale Road. However, given the proposed roof to the front part of the extension and the position of the neighbouring dwelling, the extent of the flat roof would not be prominent from the public footpath.
6. The flat roof would return across part of the rear of the appeal property. This would extend an existing single storey extension by some 3m in depth. The materials would match those of the existing dwelling which would assist in integrating the works into the building's appearance. A two-storey rear extension would project some 3m from the rear elevation. It would have a hipped roof to complement the style of the dwelling's main roof and again, its external finishes would match those of the existing dwelling.
7. Whilst the works would create a somewhat overextended appearance to the rear of the dwelling, it would be largely screened from wider views such that the full extent of the works were not readily apparent from outside of the site. Furthermore, the property would retain a reasonably sized garden such that the resulting building would not appear unduly cramped. I am therefore satisfied that the character and appearance of the area would not be materially harmed.
8. Accordingly, the proposal would conform to Policies 6 and 37 of the Local Plan¹ which, amongst other things, seek to ensure that extensions respect the host dwelling, adjacent buildings and the area in terms of design and appearance.

Living Conditions

9. The neighbouring property at 5 Nightingale Road has a side window towards the front of the property which appears to serve a hallway. The proposed works would have some effect on the existing outlook and levels of light this window receives. However, given the scale of the works proposed, and orientation of the buildings, the overall effect would be limited.
10. The single storey rear extension would be visible from the garden of 5 Nightingale Road and may cast a slight shadow during the early part of the day. However, as I observed during my site visit, any shadow would generally be gone by mid-morning. Thus, given the orientation of the buildings, together with the existing boundary arrangements and window positions, I am satisfied that any impact would be minimal and would not result in harm to the living conditions of this neighbouring occupier in terms of loss of light or outlook.
11. The proposed two storey element would not project beyond the side elevation of the original dwelling and thus would be set in from the boundary with 5 Nightingale Road. It would be approximately 0.5m deeper than this neighbour's existing two storey rear extension. As such, it is unlikely to cause harm in terms of loss of light or outlook.
12. That part of the existing single storey extension adjacent to the boundary with 1 Nightingale Road would have its mono-pitch roof replaced by a flat roof. From this neighbour's property there may be a slight noticeable reduction to the scale of built form on the boundary. The proposed single storey rear extension would be some 2m from this shared boundary and thus whilst visible from the neighbour's property, is unlikely to be overly dominant or overshadowing such that it would cause material harm in terms of loss of light or outlook.

¹ London Borough of Bromley Local Plan (2019)

13. The proposed two-storey extension would similarly be set in some 2m from the boundary with 1 Nightingale Road. Again, this element of the proposal would be visible from the neighbour's property. However, given the distances involved and window positions, it would not have an overbearing effect or cause overshadowing such that the outlook or light of this neighbour would be materially harmed.
14. I therefore find that living conditions of neighbouring occupants, with particular regard to light and outlook would be sufficiently protected. Accordingly, the proposal would conform to Policy 37 of the Local Plan which, amongst other things, seeks to ensure development respects the amenity of neighbouring occupiers.

Other Matters

15. Given the character of the area there is already mutual overlooking of gardens from rear elevations. I am satisfied that the proposed number and position of windows on the rear elevation would not result in excessive levels of overlooking.
16. The property will remain as a single dwellinghouse. There is no substantive evidence before me to suggest that the proposed extensions would lead to a demonstrable increase in noise and disturbance such that the living conditions of neighbouring occupiers would be harmed.
17. The proposed single storey rear extension is also said to potentially compromise the security of neighbours. However, given the existing extension to the appeal property and boundary arrangements, I do not consider the proposed works would fundamentally change the situation in this regard.
18. Concerns have also been raised that the proposal could lead to issues with guttering and result in problems of damp. The structural integrity of adjacent properties following the construction work has also been queried. Such concerns are however outside the scope of this appeal.

Conditions

19. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans. A condition is also required to ensure the external materials match the existing building and thus protect the character and appearance of the area.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar

INSPECTOR

Schedule of 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:
Location Plan
Floor Plans, Elevations & Site Plan – 003/NRG/002 Rev C
- 3) The external materials used in the development hereby permitted shall match those of the existing building.

END