
Appeal Decision

Site visit made on 17 August 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/G5180/W/21/3281349

54 Brow Crescent, Orpington BR5 4LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Bandele Olubodun against the Council of the London Borough of Bromley.
 - The application Ref DC/21/01662/FULL-6, is dated 2 April 2021.
 - The development proposed is described on the application form as 'double height rear extension, loft conversion and addition of entry porch, existing roof height untouched, new dormer roof and pair of velux windows added'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a double height rear extension, loft conversion with rear dormer and front rooflights and addition of entry porch at 54 Brow Crescent, Orpington BR5 4LP in accordance with the terms of the application, Ref DC/21/01662/FULL-6, dated 2 April 2021, subject to the conditions appended to this decision.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of a double height rear extension, loft conversion with rear dormer and front rooflights and addition of entry porch. The Council dealt with the proposal on this basis and so shall I.
3. I have had regard to the Council's appeal statement. The Council does not object to the proposed extensions or alterations to the property. There are no disputes between the two main parties and no third party comments have been received. Nevertheless, I have taken into account what I consider to be the main issues based on the evidence before me, as set out below.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area; and
 - The effect of the proposed development on the living conditions of occupants of neighbouring properties.

Reasons

Character and Appearance

5. The appeal site comprises a two-storey semi-detached property. It is surrounded by properties of a similar age and design, a number of which have been extended or altered previously.
6. The proposed development comprises a two-storey rear extension, rear dormer window, rooflights to the front roofslope and porch extension.
7. Based on the evidence before me and my observations on site, the proposed development would assimilate to an acceptable standard with the surrounding area, where extensions of varying types are a characteristic feature. The proposed development would form a subservient addition to the original dwelling and would not appear out of keeping with it or the wider area. On this basis I concur with the Council, which has no objections in respect of character and appearance.
8. Consequently, I conclude that the proposed development would have an acceptable impact on the character and appearance of the host property and surrounding area, in accordance with the relevant provisions of Policies 6 and 37 of the Bromley Local Plan (LP) (2019). These policies, in summary, seek high quality design in development, including extensions which should respect the scale, form and materials of the original dwelling and those surrounding. This is in a similar vein to the Council's supplementary design guidance¹.

Living conditions

9. Windows to the rear extensions would face over the garden of the appeal site and in the direction of properties to the south. The separation distance between the appeal site and these properties is such that there would be no unacceptable loss of privacy as a result of the proposed development. By reason of the orientation of these windows, together with the fact that rear facing windows already exist at the property, there would be no unacceptable loss of privacy to the occupants of properties to the east and west of the site. A condition has been suggested by the Council removing permitted development rights to insert any windows or doors in the west elevation. This condition is reasonable in the interests of protecting living conditions to adjoining 52 Brow Crescent.
10. The reasonable set back of the proposed two-storey extension from the west boundary, together with the separation distance between the appeal property and the property to the east, is such that there would be no unacceptable loss of outlook or daylight as a result of the proposed development. Similarly, by reason of their overall design, scale and position, there would be no unacceptable impact on neighbouring living conditions as a result of the single storey rear extension, porch extension or dormer extension. On this basis I concur with the Council, which has no objections in respect of living conditions.
11. Consequently, I conclude that the proposed development would be acceptable in respect of the living conditions of the occupiers of neighbouring properties and would accord with the relevant provisions of LP Policy 37, which in summary seeks to protect living conditions.

¹ SPG2 Residential Design Guidance

Conditions

12. The Council has provided a list of 4 conditions. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.
13. Conditions 1 and 2 on time limits and approved plans are necessary for certainty. Condition 3 is necessary in order to protect the character and appearance of the area, with Condition 4 necessary to ensure appropriate living conditions for neighbouring occupiers are maintained.

Conclusion

14. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below

A Price

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: A101, A102, A105, A108.
- 3) The external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be inserted in the west elevation of the extension.