



Appeal Decision

Site visit made on 23 August 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 SEPTEMBER 2022

Appeal Ref: APP/G5180/D/22/3299977

19 Westfield Road, Beckenham BR3 4EU

- 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 Mrs & Mr Sujatha & Kiran, Tadiparthi & Kalidindi against the decision of London Borough of Bromley.
 - The application Ref DC/21/05527/FULL6, dated 12 November 2021, was refused by notice dated 14 April 2022.
 - The development proposed is described as the alteration of the existing roof line to create a double side facing gable and the insertion of a rear facing dormer to create additional living accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance on the host building and surrounding area; and
 - the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular reference to loss of privacy and outlook.

Reasons

Character and appearance

3. The appeal site comprises a detached two storey house situated within a residential area of Beckenham. It has a tiled hipped roof with front gable feature and painted external walls. The property is the last one on the south side of the street and is positioned adjacent to the two storey semi-detached property No 17 Westfield Road. The majority of properties on this side of Westfield Road are two storey semi-detached houses with pitched roofs and gable features.
4. Immediately to the west of the appeal site are the long, landscaped rear gardens of properties on Hayne Road. The boundaries of these properties have mature planting which screens views between the appeal site and these neighbouring properties.
5. The appeal property's roof is visible from viewpoints to the west and at the corner of Westfield Road and Hayne Road. Whilst the foliage on the boundary

- of 23 Hayne Road may grow higher in the future, the side of the roof will remain visible from more direct views from Westfield Road. To the east, 17 Westfield Road screens some views of the appeal property, albeit the front part of the roof remains visible from the public domain.
6. The Inspector for a previous appeal at the site (APP/G5180/D/16/3152985) found that extensions to the rear of the appeal property would not be prominent when viewed from the street. However, the current appeal proposals differ as the alterations affect the property's entire roof and consequently will be visible from various street views.
 7. I note that the dual gable design with recessed flat roof infill between, which utilises zinc as a contrasting material, is intended to reduce the overall bulk of the development. However, I do not find this design approach successful. There are no other examples of this type of roof form within the immediate area and it would represent an uncharacteristic development. As a result of its form and bulk, it would appear ungainly, with the house's upper level being top heavy and awkward in design terms. Whilst the appeal development would not extend beyond the building footprint and would maintain the spacing around the host building, it would stand out in the vicinity as a bulky and incongruous addition.
 8. I note that the appellants have indicated a willingness to be flexible over the design and made amendments to the design during the planning application process. However, I must consider the plans which are before me. I can see that thought has been given to matching the materials, and that the Council has no objection to this aspect of the development. I appreciate there are other roof alterations in the locality, albeit not necessarily identical to the appeal scheme in form, scale, or location, and in any event, I must assess this case on its own merits. Whilst the rear dormer would be set in from the sides and eaves of the roof and would not be prominent in public views, the development, as a whole, would be a visually awkward addition to the property.
 9. For the above reasons, I conclude that the proposed extension would harm the character and appearance of the host dwelling and wider area. I therefore find that it would conflict with Policies 6 and 37 of the Bromley Local Plan (2019) (BLP). Amongst other aspects, these policies seek to secure development of a high standard of design which positively contributes to the existing street scene.

Living conditions of neighbouring occupiers

10. The Council's reason for refusal in relation to living conditions, refers to a loss of privacy for neighbouring occupiers as a result of overlooking from the new rear dormer window. The officer report also makes reference to the proposed development being visible from neighbouring gardens.
11. The appeal property's existing first floor rear windows direct views to the rear of its garden, albeit they allow angled views to the rear of neighbouring gardens on Westfield Road. These properties already experience a degree of mutual overlooking between properties and gardens which is common within a residential area such as this. The existing upper floor windows also allow angled views to the rear of the long gardens belonging to properties on Hayne Road. The mature planting along the boundary with the Hayne Road properties reduces the extent of views into these gardens. In addition, the rear elevations

of the Hayne Road properties are a considerable distance from the appeal property's closest windows.

12. The new rear dormer windows would be set back further within the envelope of the property than the existing first floor windows. As with the existing upper floor rear windows, views from the dormer windows would be directed to the rear of the appeal property's garden. Given the extent of existing mutual overlooking into the gardens of Westfield Road properties I do not find that the additional dormer windows would result in a demonstrable additional loss of privacy for neighbouring occupiers. Given the separation distances, the angled nature of views, combined with the extensive mature boundary vegetation, I do not find that the additional dormer windows would result in a demonstrable additional loss of privacy for neighbouring occupiers on Hayne Road.
13. Had the appeal proposal been acceptable, a planning condition could have been imposed to ensure that the side facing windows, which look directly towards the Hayne Road properties, were obscure glazed. This would have ensured that the windows would not harm the living conditions of neighbouring occupiers.
14. As a consequence of the siting and bulk of the proposal, the development would be visible from the rear private gardens of 17 Westfield Road and properties on Hayne Road. However, given its position in relation to No 17, and the separation distances to the properties on Hayne Road, I do not consider that the proposal would significantly harm the outlook from any of these properties.
15. Consequently, the proposed development would not have an unacceptable impact on the living conditions of neighbouring occupiers. Therefore, in this respect, it would not be contrary to Policy 37 of the BLP which requires, amongst other aspects, that new development should not result in harm to the living conditions of neighbouring occupiers.
16. The Council also alleges a conflict with Policy 6 of the BLP with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Other Matters

17. I understand the appellants' wish for additional space to provide care for the appellants' mother who is registered disabled, and for potential future carers and visitors to stay. It would also provide enlarged and improved living space, including additional home working space whilst enabling the appellants' children to have their own bedrooms. In all, the proposals would make the house a 'lifetime home' responding to the family's evolving needs. I sympathise that the appellants are settled within the area, are employed locally and that their children attend local schools. I also note that significant effort has already been spent on the property to make it more attractive and functional. Overall, I have given the appellants' personal circumstances careful consideration. However, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is probable that the proposed dwelling would remain long after the appellants'

¹ Paragraph: 008 Reference ID: 21b-008-20140306 – 'What is a material planning consideration?'. Revision date 06/03/2014.

personal circumstances cease to be material. Future use of the dwelling would also not necessarily entail a similar situation.

18. The appeal proposal includes solar panels and energy efficient measures which would improve the house's sustainability. I also note that the appellants submitted a sunlight study, and that the Council has not raised this issue as a concern. Be that as it may, these matters do not outweigh the harm I have identified.

Conclusion

19. I have found that the proposed development would create a bulky and incongruous roof form. A grant of permission for the development would cause unacceptable harm to the character and appearance of the area. I attach substantial weight to this finding against the appeal.
20. I am mindful of the Public Sector Equality Duty (PSED) arising from section 149 of the Equality Act 2010. This requires me to have due regard to the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Amongst other things, for the purposes of the Equality Act, protected characteristics include disability. I am satisfied that the purpose of the appeal extension is to accommodate the appellant's mother who has a protected characteristic for the purposes of applying the PSED.
21. I have given careful consideration to the appellant's personal circumstances in this case. While I recognise the importance of having sufficient, appropriate living space, it has not been shown that the specific accommodation needs cannot be met in another way. On the basis that an alternative could deliver similar benefits for the appellant, these personal circumstances do not outweigh the harm that I have found to the character and appearance of the host dwelling and surrounding area.
22. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR