



Appeal Decision

Site visit made on 10 October 2022

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2022

Appeal Ref: APP/G5180/D/21/3289926

59 Manor Way, Beckenham BR3 3LN

- 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 Jonathan McCarthy against the decision of The London Borough of Bromley Council.
 - The application Ref DC/21/03841/FULL6, dated 26 July 2021, was refused by notice dated 13 December 2021.
 - The development proposed is alterations to roof to incorporate 3 x rear dormers and 2 x front dormers.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to roof to incorporate 3 x rear dormers and 2 x front dormers at 59 Manor Way, Beckenham BR3 3LN in accordance with the terms of the application DC/21/03841/FULL6, dated 26 July 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The rear bathroom dormer window hereby permitted shall at all times be glazed with obscured glass and no part of that window that is less than 1.7 metres above the floor shall be capable of being opened.

Preliminary Matters

2. As the description of the development varies between the documents submitted for the purposes of this appeal, I have used the description from the Council's decision notice, as this concisely and accurately describes the proposed development and has been used by the appellant in their statement of case.

Main Issues

3. The main issues of the appeal are the effect of the proposed development on:
 - the character and appearance of the host property, local area and the Manor Way Conservation Area (the CA); and

- the living conditions of occupiers of nearby residential dwellings, with reference to privacy.

Reasons

Character and Appearance

4. The appeal property is located on the eastern side of Manor Way, which backs on to Kelsey Park, a street lined by substantial detached dwellings. These are of individually varied architectural expression that demonstrate an early 20th Century interest in traditional and vernacular English domestic architecture, including the appeal property which contributes to the significance of the CA.
5. The CA is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. The proposal is for front and rear dormer windows in both the front and rear roof slopes. These are designed to reflect the material and architectural detailing of the appeal property and are set on their respective roof slopes to reflect its fenestration pattern.
7. Similar dormer windows to that proposed are evident in the immediate local area, either as part of the design of the original house or as architecturally contextual additions to their host properties. I find that the design and scale of the proposed dormers would similarly result in them being a subordinate addition to the appeal property and would not be a bulky addition.
8. For these reasons, I find that the proposal would be in accordance with the Council's Manor Way Conservation Area Supplementary Planning Guidance (SPG) which sets out guidance on the design of dormer windows in the CA and would not result in harm to the character and appearance of the appeal property or that of the local area and would, therefore, preserve the character and appearance of the CA.

Living Conditions

9. The proposed rear dormer windows, due to their proposed position, size and orientation would add to the existing level of overlooking of the gardens of the neighbouring properties at 57 and 61 Manor Way (No.57 and No.61), with only a marginal oblique increase in the degree of overlooking of the glass roofed spa room at No.61.
10. I acknowledge that the Council are concerned about the increase in overlooking that I have identified above, and the occupiers of No.61 are likewise concerned about the impact that this has on their privacy. However, given the height, size, orientation of the proposed rear dormer windows and the distances involved, I do not find that the increase in overlooking of the garden, spa room and their amenities would amount to a significant loss of privacy resulting in harm to the living conditions of the occupiers of this property. Rather, I find that the degree of overlooking resulting from the proposal, would be expected with regard to the nature of the detached properties that make up a developed residential area of this type.

Conditions

11. Along with requiring compliance with drawings and the standard condition relating to timing of implementation, to protect the character and appearance of the appeal property and the local area I have attached a condition requiring materials that match the existing dwelling. I have also imposed a condition requiring obscured glazing to the proposed rear bathroom dormer window, so as to protect the living conditions of existing and future occupiers with regard to privacy.

Conclusion

12. The appeal is allowed

Victor Callister

INSPECTOR