



Appeal Decision

Site visit made on 1 November 2022

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/G5180/D/22/3291542

13 The Chenies, Petts Wood, Orpington BR6 0ED

- 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 Wei Huo against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/03185/FULL6, dated 23 June 2021, was refused by notice dated 23 November 2021.
 - The development proposed is ground floor rear and side extensions comprising garage conversion, 1st storey rear extension, loft extension and internal layout alterations.
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Decision

1. The appeal is dismissed insofar as it relates to the two proposed rooflights, one located on each side of the roof at the front of the host dwelling that are shown as serving bedroom 4 on drawing BL/DRG/030621/05 Rev A.
2. The appeal is allowed and planning permission is granted for proposed ground floor rear and side extensions comprising garage conversion, 1st storey rear extension, loft extension and internal layout alterations at 13 The Chenies, Petts Wood, Orpington BR6 0ED in accordance with the terms of the application, Ref DC/21/03185/FULL6, dated 23 June 2021 and the plans submitted with it, 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, BL/DRG/030621/01, BL/DRG/030621/02, BL/DRG/030621/05 Rev A and BL/DRG/030621/06, except in respect of the two proposed rooflights shown serving Bedroom 4 on plan BL/DRG/030621/05 Rev A.
 - 3) Prior to the installation of the garage door, details of the design and materials to be used in the construction of the external surfaces of the garage door hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
 - 4) The extension hereby permitted shall not be occupied until the windows in the side elevations at first floor level serving Bedroom 1, Study/storage and en-suite bathroom as shown on drawing BL/DRG/030621/05 Rev A have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and The Chenies Petts Wood Conservation Area.

Reasons

4. The appeal site comprises a two storey detached dwelling with accommodation in the roofspace. The host dwelling sits back from the road, in keeping with other properties along the same side of The Chenies. The area is residential in character with a variety of detached dwellings located along the cul-de-sac, with varying separation distances to boundaries. The appeal site is located within The Chenies Petts Wood Conservation Area (CA).
5. The significance of the CA is the presence of common design themes utilising a limited palette of materials that provides a cohesive character. The curve in the no-through road along with the siting of dwellings within their individual plots all add positively to the character and appearance of the area. There is variation in plan form and roof structure that provides an informal character. There is a semi-rural feel, given the spacious plots, the setback of properties from the road, the open or low front boundary treatments and the varying separation between dwellings.
6. The proposal includes five additional rooflights within the existing and extended first floor roofscape. The Supplementary Planning Guidance for Chenies, Petts Wood Conservation Area (SPG) is not part of the development plan but is a material consideration. The section on dormers and roof lights states that care should be taken to ensure that roof slopes do not become over cluttered. The overall aim of the SPG is to ensure the preservation and enhancement of the character of the CA.
7. The three proposed rooflights to the rear of the host dwelling, would be screened or less prominent, due to the siting to the rear. The two additional rooflights proposed towards the front of the dwelling, one on each side of the roof slope, would be visible from the road. I note that, whilst not included by the Council as a reason for refusal, during the course of the planning application third party representations were received regarding the number and positioning of the proposed rooflights. I also note that the Council's Principal Conservation Officer expressed concerns regarding the number of rooflights proposed.
8. On carrying out the site visit I note that there is one existing rooflight on the host dwelling but that it is not overly prominent given its location to the rear of the chimney. The presence of rooflights that are visible from the road is not a prevailing feature within the CA. Whilst I note that it is proposed to use a conservation style rooflight and that the appellant states that the full specification could be required by condition prior to installation, I find that the two rooflights towards the front of the dwelling would introduce a prominent feature within the CA that is incongruous with the character and appearance of the area. This would result in less than substantial harm to the cohesive significance of the CA.
9. Paragraph 202 of the National Planning Policy Framework (the Framework) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The two rooflights would serve an existing bedroom which already benefits from a window and a rooflight, so the removal of them from the scheme would not alter the usability of the bedroom space. No public benefits have been put forward to weigh against the harm identified.

10. The proposed single storey side extension would sit in front of the existing detached single storey garage and would adjoin it and the side elevation of the dwelling, providing a utility room and single garage. The pitch of the roof of the side extension would replicate that of the existing garage but it would be narrower, pulling the built form away from the side boundary. The proposed side extension would be set back from the front elevation of the dwelling by a reasonable distance and given the height, massing, width and siting would appear clearly subordinate to the host dwelling.
11. In the Council's Officer Report reference is made to paragraph 4.20 of the SPG, quoting that 'new extensions should not significantly alter the spatial characteristics of the road by taking up large amounts of side space, and that the rear elevation would be the preferred location for extensions'. However, I also note that the SPG accepts that the spacious and informal layout of the estate does provide considerable scope for the addition of sensitively designed extensions.
12. The neighbouring dwelling, 15 The Chenies, sits forward of the host dwelling. The separation between the proposed side extension and the shared side boundary with No 15, the limited height and sustained roof pitch of the proposed extension along with the set back from the front elevation of the host dwelling means that it will not appear overbearing or prominent nor would it give the impression of a cramped form of development.
13. Given the variation in the design of dwellings and the differing separation distances between built form and the side boundaries of plots within the CA, the proposal would be in keeping with the character and appearance of the area. In addition, the overall relationship of built form to open space would not be unduly harmed and the existing feeling of spaciousness would be preserved.
14. The CA is a designated heritage asset and I give great weight to its preservation, bearing in mind the statutory duties set out under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I do not consider that the proposal, other than the two front rooflights, would harm the significance or special interest of the CA.
15. I therefore conclude that whilst the ground floor rear and side extensions comprising garage conversion, 1st storey rear extension, loft extension and internal layout alterations would preserve the character and appearance of the Conservation Area, the two proposed rooflights to the front of the host dwelling would not. Therefore, although the two proposed rooflights would be contrary to policies 6, 37 and 41 of the London Borough of Bromley Local Plan (January 2019), the remainder of the development would accord with these policies. These seek amongst other things for proposals to be compatible with the surrounding area, positively contribute to the street scene and to preserve or enhance Conservation Areas. The rooflights would also be contrary to the SPG as set out above.

Other Matters

16. The Council have considered the impact on the living conditions of occupiers of neighbouring dwellings and have stated that subject to requiring obscure glazing in proposed window openings at first floor level in the side elevations to prevent overlooking, there is no objection to the proposal on these grounds.
17. On visiting the site I note that the additional window at first floor level serving proposed Bedroom 2 facing No 15, would face towards a blank elevation of the neighbouring property and therefore would not result in overlooking. With respect to the other windows which the Council consider should be obscure glazed, I agree that if they were clear glazed, unacceptable overlooking of neighbouring properties could result. Therefore, conditions can be imposed to secure obscure glazing to prevent this.

Conditions

18. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Given that the external finishes schedule set out on plan BL/DRG/030621/05 Rev A confirms that external materials and windows will match the existing, conditions are not required in this regard. Only limited detail is provided about the finish of exterior doors however and therefore a condition is required to identify the finish of the garage door, which will be visible from the road. As discussed above the Council have identified the need for obscure glazing in the additional and altered windows at first floor level in the side elevations to limit overlooking. A condition is therefore imposed reflecting the need for obscure glazing, as set out above.

Conclusion

19. For the reasons given above, and having regard to the development plan as a whole, all matters raised and the Framework, I conclude that the appeal should be allowed insofar as it relates to the proposed ground floor rear and side extensions comprising garage conversion, 1st storey rear extension, loft extension and internal layout alterations, but dismissed insofar as it relates to the two proposed rooflights, one located on each side of the roof at the front of the host dwelling.

G Dring

INSPECTOR