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## Appeal Decisions

Site visit made on 10 November 2022

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 December 2022**

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### **Appeal A Ref: APP/G5180/W/22/3291022**

#### **50 Royston Road, Penge, London SE20 7QN**

- 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 Rajan Vashee against the decision of London Borough of Bromley.
  - The application Ref DC/21/02768/FULL1, dated 2 June 2021, was refused by notice dated 2 August 2021.
  - The development proposed is roof additions including terrace, side extension, internal alterations and conversion from single dwelling house C3 to 2 x 2 bedroom flat and 1 x bedroom flat.
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### **Appeal B Ref: APP/G5180/W/22/3291023**

#### **50 Royston Road, Penge, London SE20 7QN**

- 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 Rajan Vashee against the decision of London Borough of Bromley.
  - The application Ref DC/21/04134/FULL1, dated 17 August 2021, was refused by notice dated 8 December 2021.
  - The development proposed is roof additions including terrace, side extension, internal alterations and conversion from single dwelling house C3 to 2 x 2 bedroom flat and 1 x bedroom flat.
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## **Decisions**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

## **Preliminary Matter**

3. The appeals concern two applications for planning permission as set out above. Although the applications were made chronologically, they are for the same form of development, that being in each case, roof additions including terrace, side extension, internal alterations and conversion from single dwelling house C3 to 2 x 2 bedroom flat and 1 x bedroom flat. It is therefore appropriate to deal with these appeals in a single Decision document.

## **Applications for costs**

4. In each appeal an application for costs was made by Mr Rajan Vashee against the London Borough of Bromley. These applications are the subject of separate Decisions.

## **Main Issues**

5. The main issues in both appeals are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, and 2) the living conditions of occupants of surrounding residential properties with specific regard to overlooking.

## **Reasons**

### *Character and appearance*

6. The appeal property is a two-storey terraced dwellinghouse. It is situated in a predominantly residential area with properties of a similar style and size. Like some of the surrounding properties, the appeal property has an existing two-storey outrigger to the rear.
7. In both appeals the proposed development includes the provision of a new 'L' shaped dormer extension to the rear. This also includes a proposed roof terrace with an obscurely glazed balustrade.
8. I observed on my site visit that there were some dormer extensions to surrounding properties. These primarily consisted of the box-style rear dormer, taking up most of the rear roof-slope. The proposed dormer in both appeals would extend over the existing outrigger and the main rear roof-slope of the dwelling.
9. In Appeal A, the part of the dormer relating to the main rear roof-slope would span the width of the property. It would also be flush with the rear wall of the dwelling, forming a continuous upward projection. This would result in the appearance of an additional storey as opposed to a dormer roof extension.
10. The dormer to the outrigger would be at the same height as the proposed dormer to the rear roof slope, that being the same as the ridge of the main roof of the property, and markedly higher than the ridge of the outrigger. When combined, the dormer would appear highly prominent and due to its overall scale and siting would form an incongruous feature that would dominate the rear roofscape of the property.
11. The proposed rear roof terrace using a large expanse of obscured glazing would appear somewhat discordant with the rest of the property. It would be set flush with the rear elevation of the outrigger and remove all but any evidence of the characteristic roof slope shared with the adjoining property. Due to its design, size and elevated siting, it would also appear prominent and incongruous.
12. In Appeal B, the dormer on the rear roof slope is set in from the side of the adjacent property, no. 52 Royston Road, and set back from the eaves of the roof. This avoids the dormer appearing as a vertical continuation of the rear elevation of the property as in the Appeal A proposal. The proposed dormer to the outrigger is set slightly lower than the Appeal A proposal but would still remain higher than the ridge of the outrigger. The roof terrace, although slightly deeper, is largely unaltered.
13. The amendments that have been incorporated into the Appeal B proposal have gone some way to reducing the overall visual impact. It is without doubt the less harmful scheme. It would still nevertheless represent a prominent

incursion into the rear roofscape of the property and appear bulky and dominant.

14. The largely unaltered roof terrace means that the harm identified from the roof terrace in Appeal A is unchanged, whereby, due to its design, size and elevated siting, it would appear prominent and incongruous.
15. I acknowledge that the property benefits from a lawful development certificate for the installation of a dormer to the rear outrigger. It represents a fallback that is a material consideration in both appeals. It is fundamentally, however, quite different from the proposed development in each case, being lower and not including the rear dormer or the roof terrace. When viewed from the rear this development would also retain part of the distinctive roof slope of the outrigger. It would not cause the cumulative harm I have identified with the proposed developments in each appeal, and I therefore give it limited weight in each appeal.
16. I also acknowledge that in both developments it is proposed to use materials to match the roof of the property. This would not, however, overcome the overall harm I have identified.
17. I therefore conclude that in both appeals, the proposed developments would cause significant harm to the character and appearance of the host property and the surrounding area. They would be contrary to Policies 6, 9 and 37 of the Bromley Local Plan (2019). These policies require, amongst other things, that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; and that dormer windows should be of a size and design appropriate to the roofscape. It is also required that in residential conversions, the character and appearance of the area is not adversely affected.

#### *Living conditions*

18. The appeal property adjoins residential properties on either side.
19. In the side elevation of the existing outrigger there are three windows at first floor level. These serve a toilet, bathroom and a bedroom. For the latter room, on my site visit I was able to observe the very close proximity to the adjoining dwelling at 52 Royston Road, and the ability to directly overlook habitable rooms of that property.
20. In both appeals, the proposed development would include the installation of new additional windows to the side of the outrigger at first and second floor levels. These would serve the main habitable living spaces of proposed flats B and C, with flat C occupying an elevated position above the habitable room windows of no. 52. Unlike the development granted a lawful development certificate, these windows are not proposed to contain obscured glazing.
21. For these reasons, I consider that the occupants of no. 52 would be exposed to materially greater levels of harm in relation to overlooking than the existing arrangement, which consists of one bedroom window that allows direct overlooking.

22. In both appeals, the proposed roof terrace would be sited at the second-floor level at the foot of the outrigger. It would incorporate a 1.7m privacy screen that would be formed by a brick plinth and obscurely glazed screen. Due to the height of the screen, overlooking to surrounding properties would be at least extremely limited or even not possible. I therefore do not consider that harm would be caused due to overlooking from the proposed roof terrace.
23. I therefore conclude that in both appeals, the proposed developments would cause significant harm to the living conditions of the occupants of no. 52 Royston Road with regard to overlooking. They would be contrary to Policy 37 of the Bromley Local Plan (2019). This policy requires, amongst other things, that development respects the amenity of occupiers of neighbouring buildings with regard to privacy.

### **Other Matters**

24. The appellant has referred to a number of other developments that have been granted planning permission. I do not have full details of the cases and they do not display the exact same characteristics as the developments subject to these appeals. I therefore give them limited weight.

### **Planning Balance and Conclusion**

25. The Government's objective as set out in the National Planning Policy Framework (2021) (the Framework) is to support sustainable housing growth. The proposed developments in each case would result in a small increase in the Council's overall housing number and would be in a sustainable location.
26. It is outlined that the Council cannot demonstrate a five-year supply of deliverable housing sites and as such significant weight should be given to the provision of housing as a result of the developments.
27. However, the adverse impacts of both proposals in terms of the harm to the character and appearance of the host property and the surrounding area and the living conditions of occupants of the adjoining property, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, which include a requirement for good design and ensuring a high standard of amenity<sup>1</sup>.
28. The proposed developments would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
29. For the reasons set out above, and having had regard to all other matters raised, I conclude that both appeals should be dismissed.

*A M Nilsson*

INSPECTOR

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<sup>1</sup> National Planning Policy Framework, Chapter 12