



Appeal Decision

Site visit made on 7 December 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/G5180/D/22/3300523

2 Starts Close, Orpington BR6 8NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Tim Clapham - Keston Homes Ltd against the decision of London Borough of Bromley.
 - The application Ref DC/22/01382/ASDWEL, dated 30 March 2022, was refused by notice dated 25 May 2022.
 - The development proposed is construction of upward extension to provide one additional storey above the existing dwellinghouse (maximum height of 8.02m).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not give the description of development, only referring to the planning statement. Therefore, I have used the description given on the Council's decision notice and the appeal form for the purposes of my decision, albeit I have removed the superfluous text referring to the relevant class under the GPDO as this is set out in a preceding paragraph in my banner heading.
3. The decision notice includes references to policies of the development plan for the area. Development plan policies can be considered relevant in prior approval cases but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issues

4. The main issues in this appeal are whether prior approval should be granted under Class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the effect of the proposal on:
 - (i) the external appearance of the dwellinghouse; and
 - (ii) the amenity of adjoining premises.

Reasons

External appearance

5. Starts Close is characterised by a mix of single storey and two-storey detached dwellings. However, dwellings are predominantly grouped in rows of similar

house types. To one side of the road, towards the entrance to Starts Close, there is a row of four bungalows with shared characteristics in terms of their height, form and design. The appeal dwelling at No 2 Starts Close sits within this row in between the bungalows at Nos 1 and 3 Starts Close. The visual cohesion between the appearance of this dwelling and that of the other bungalows in this group forms part of a pleasing sense of order and rhythm to the buildings on Starts Close.

6. I accept the roof pitch, windows and materials would all correspond with those on the existing dwelling. However, due to the host dwelling's position in between other bungalows in the row, the increased bulk and height resulting from the upward extension would unduly disrupt the consistency of scale and appearance within this group. This would detract from the order of the street scene and the development would be notably conspicuous to anyone travelling along this section of Starts Close. For these reasons, the external appearance of the extended dwelling would be unacceptable and would result in significant harm to the character and appearance of the area.
7. The appellant has drawn my attention to several instances where approval has been granted under Class AA of Part 1 of Schedule 2 of the GPDO, including appeal decisions, having regard to matters of external appearance. However, I am not aware of the full details of those particular schemes including how the external appearance of those dwellings would have been perceived in their site-specific context. As the appellant points out, the Courts have confirmed an assessment of the effect on the external appearance of a dwellinghouse is a matter of planning judgement having regard to site context. For the reasons set out, the site context of the proposal at a mid-point within a row of bungalows of similar appearance has been pivotal to my assessment in this case.
8. I conclude that the proposal would have an unacceptable and harmful effect on the external appearance of the dwellinghouse.
9. Whilst not determinative, I have had regard to Policy D4 (Delivering Good Design) of the London Plan (LP 2021) and Policies 6 (Residential Extensions) and 37 (General Design of Development) of the London Borough of Bromley Local Plan (2019) (BLP). To the extent that they are relevant to considerations within the terms of the GPDO, the proposal would conflict with their collective aims that, amongst other things, require that development is of a high standard of design and that it should complement adjacent buildings.

Neighbouring amenity

10. The upward extension would utilise the existing footprint of the host dwelling. Consequently, the relative alignment and spacing between the development and the bungalows at Nos 1 and 3 Starts Close would ensure that suitable levels of outlook would be retained from within private rear garden areas and from the main windows serving these neighbouring dwellings. These factors together with the relative orientation of the row of bungalows would also ensure that the proposal would not have a harmful effect on levels of light for neighbouring occupiers.
11. I agree with the Council that the proposal would not create any loss of privacy over and above what would usually be expected within a residential environment.

12. For the above reasons, I therefore find that the proposal would have an acceptable effect on the amenity of any adjoining premises.
13. Whilst not determinative, I have had regard to Policy D4 (Delivering Good Design) of the LP 2021 and Policy 37 (General Design of Development) of the BLP. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply with their collective aims that, amongst other things, they respect the amenity of occupiers of neighbouring buildings.

Conclusion

14. I have concluded that the proposal would have an unacceptable impact on the external appearance of the dwellinghouse having regard to the site context in this particular instance. Therefore, prior approval cannot be given under AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO. The appeal is therefore dismissed.

M Russell

INSPECTOR