



Appeal Decision

Site visit made on 17 January 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/G5180/W/22/3302824

87 Monks Orchard Road, Beckenham BR3 3BJ

- 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 Anh Ngo against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/04573/FULL1, dated 14 September 2021, was refused by notice dated 17 June 2022.
 - The development proposed is for a garden room on separate land behind house owned by the householder.
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Decision

1. The appeal is allowed and planning permission is granted for a garden room on separate land behind house owned by the house holder at 87 Monks Orchard Road, Beckenham BR3 3BJ in accordance with the terms of the application, Ref DC/21/04573/FULL1, dated 14 September 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 development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan
 - Proposed Block Plan
 - Rear Garden Room, drawing No 87mor/GRDNROOM/V1, dated 4 August 2021

Preliminary Matters

2. I note that the appellants first name is spelt differently on the appeal form to the application form. I have taken the spelling from the application form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site consists of an area of garden land that sits to the rear of the existing garage, the garden space more closely related to the host dwelling and an access that serves neighbouring properties as well as the host dwelling. To either side of the appeal site is garden land that serves neighbouring properties. Within these additional areas of garden space there is a range of domestic paraphernalia including play equipment and outbuildings such as garages, sheds and covered external spaces.
5. The appeal site is bound by a close boarded fence to the rear and northern boundaries with a combination of trees, hedging and shrubbery to the southern boundary. The front boundary has a low post and rail fence, separating the garden land from the shared access. Further southwest, beyond the garden spaces serving the neighbouring properties is a residential development of 2 storeys with accommodation in the roofspace accessed from Monks Orchard Road along the private road, Chancellors Close. This built form is visible from the appeal site. Beyond the rear boundary fence is an area of open space with dense tree coverage designated as an Urban Open Space and Site of Importance for Nature Conservation in the London Borough of Bromley Planning Division Local Plan January 2019 (LP).
6. The proposed garden room is situated to the rear of the dwellings that front onto Monks Orchard Road with a significant set back from the road. The additional garden space where the proposed garden room would be sited is separated by the existing access from the garden and existing outbuildings that are located in closer proximity to the rear of the host dwelling. Nonetheless, the additional garden space still has the character and appearance of garden land serving the host dwelling, as does the garden land serving neighbouring properties, which is also located off the shared access.
7. A number of the additional rear garden spaces serving the neighbouring properties which are located off the shared access have both domestic paraphernalia such as play equipment and a variety of different types of outbuildings. Therefore, the addition of an outbuilding for incidental use connected to the host dwelling, at the appeal site, would accord with the character and appearance of the surrounding area.
8. Whilst the footprint may be larger than some of the smaller outbuilding structures within the additional garden areas, it is not significantly larger than the garage buildings that it will be viewed in context with from the shared access. The proposed garden room would be set off from the rear and southern boundaries providing separation between the proposal and the mature trees located on the neighbouring open space and along the southern boundary. A significant proportion of the garden space would be retained and would constitute useable garden land.
9. The Council have suggested a condition requiring the materials used in the construction of the external surfaces of the outbuilding to match the host dwelling whereas the specification identified on drawing 87mor/GRDNROOM/V1 is a white rendered finish with grey concrete roof tiles. Due to the range of materials used within the vicinity of the site and the distance between the host dwelling and the proposed garden room, I do not consider it necessary for the outbuilding to match the materials of the host dwelling.

10. The dense tree coverage on the open space to the rear does contribute positively to the verdant character and appearance of the area, however, the proposal will not reduce the tree coverage, nor would it spill out beyond the well established rear boundary fence that is in situ, demarcating the garden space and separating it visually from the open space. Given the height of the proposed garden room, the visibility of it from within the open space to the rear will be limited significantly.
11. I therefore conclude that the proposal would comply with policy 37 of the LP, which seeks amongst other things, that developments complement the scale, proportion, form, layout and materials of adjacent buildings and areas.

Other Matters

12. I note concerns raised by an interested party about the use of the garden room as a separate dwelling, given its position adjacent to neighbouring garden land, the potential security and privacy implications and noise and disturbance that would occur if it were used as an independent dwelling. However, the proposal is for a garden room, which would be incidental to the host dwelling and therefore I have considered it on that basis.

Conditions

13. I have considered the conditions suggested by the Council in their Officer Report. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. I have not imposed a condition requiring that the materials used match the host dwelling, in accordance with my reasoning set out above.
14. I have not imposed the Council's suggested condition requiring that the garden room remains incidental to the host dwelling. Given that the proposal as submitted is for a garden room that is incidental to the host dwelling and it does not comprise of a use independent of the host dwelling, it is unnecessary in this case.

Conclusion

15. For the reasons given above and having regard to the development plan as a whole, the appeal is allowed.

G Dring

INSPECTOR