



Appeal Decision

Site visit made on 28 February 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MARCH 2023

Appeal Ref: APP/G5180/D/22/3309066

328 Southborough Lane, Bromley BR2 8AA

- 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 Mangal against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/01900/FULL6, dated 10 May 2022, was refused by notice dated 3 August 2022.
 - The development proposed was originally described as 'hip-to-gable roof extension incorporating side flat roof dormers windows, front and rear gable end windows'.
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Decision

1. The appeal is allowed and planning permission is granted for hip-to-gable roof extensions incorporating side roof dormers, front and rear gable end windows at 328 Southborough Lane, Bromley BR2 8AA in accordance with the terms of the application, Ref DC/22/01900/FULL6, dated 10 May 2022, 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: MDL20344296_001; MDL20344296_002; MDL20344296_003; MDL20344296_004; MDL20344296_005; MDL20344296_006; MDL20344296_007.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those materials specified on the approved plans and the planning application form.
 - 4) Notwithstanding the approved plans, the development at loft level shall not be occupied until the windows shown on the proposed loft plan have been fitted with obscured glazing and no part of those windows that are less than 1.7 metres above the floors of the rooms in which those windows are installed shall be capable of being opened. Once installed the obscured glazing shall be retained fixed shut thereafter.

Preliminary Matter

2. The description of the development in the above heading is taken from the planning application form. However, I have amended it for the decision in paragraph 1 for precision.

Main Issues

3. The main issues are the effects of the proposal on: (i) the character and appearance of the site and the surrounding area; and (ii) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

4. The site includes a detached two storey dwelling that faces towards Southborough Lane. It includes a pitched roof with a hip to its rear and two stepped hips to its front, with one part of the main roof and the other projecting over a double storey bay window. Southborough Lane is long and the type, age and design of the properties along it vary significantly. Furthermore, many appear to have undergone extensions or alterations. Notably, several feature dormer extensions, including some substantial ones to the sides of dwellings at above ground floor level.
5. The proposal follows the dismissal of an appeal for a similar scheme¹. Following that, a certificate of lawful development was granted for development including a rear hip-to-gable addition and two side dormers at loft level². Principally, the latter differs from the proposal in that a slight increase in the ridge height of the dwelling and front hip-to-gable elements are now proposed, which would enable for larger dormers to also be created. There is nothing compelling before me which indicates that the certificate scheme cannot be implemented, and I see no reason why it would not be carried out if this appeal is dismissed. Accordingly, the certificate scheme constitutes a realistic fallback position and thus I must take it into account in making a decision.
6. From the highway, the dormers for the certificate scheme would appear close to the ridge of the roof and cramped and awkwardly sited next to the stepped front hips. The proposed dormers would project closer to the highway and thus be more prominent than the certificate scheme's ones. Moreover, as with the dismissed appeal scheme, the proposed dormers together with the gabled elements would be excessively large additions and harm the character and appearance of the locality. It is however critical that the proposed dormers would sit more comfortably on the roof than the certificate scheme by being set down from the ridge and back from the verge of the resulting main front gable. Additionally, the proposed dormers would be more proportionate to and compatible with the larger roof slopes on which they would be sited than the certificate scheme's dormers would be on the existing smaller slopes. Consequently, the proposal would be less harmful than the certificate scheme in these respects.
7. Otherwise, the ridge height increase would be limited, and the gable ends would accord with many front gable features elsewhere along the highway. The windows in the gable ends would not be prominent or therefore harmful.
8. A condition to require the development to be carried out in accordance with the drawings and application form would ensure that the surfacing materials to be used would be similar in appearance to and therefore cohesive with the existing dwelling, and compatible with surrounding properties.

¹ Appeal reference: APP/G5180/D/21/3281235

² Council reference: DC/22/00631/PLUD

9. Therefore, whilst the proposal would harm the character and appearance of the area and conflict with Policies 6 and 37 of the Council's Local Plan (LP), which state that development should complement existing buildings and positively contribute to the streetscene, the fallback position justifies making a decision which is not in accordance with the development plan.

Living conditions

10. The Council's decision notice only alleges that the proposal would result in the loss of privacy to the occupiers of No 326. However, I must be satisfied that the impacts of development would be acceptable in all respects to all occupiers of property.
11. The dwelling is a substantial distance from properties to its front and rear such that there would not be significant impacts to neighbours in those directions. The dwellings at Nos 326 and 330 are immediately adjacent to the site. However, having regard to the limited ridge height increase, the set back of the dormers from the eaves, and the impacts of the existing roof and the certificate scheme if constructed, there would be no significant effects on those neighbours in terms of loss of outlook, daylight or sunlight.
12. Three of the windows proposed in the side dormers would serve en suite bathrooms and another would serve a bedroom. A condition to require those windows to be obscure glazed and fixed shut to 1.7m from floor level would safeguard the privacy of the adjacent occupiers by preventing overlooking of the spaces and windows to the sides of those properties. No 328 would feature several other bedrooms and living spaces with unrestricted windows such that the living conditions of the occupiers would be satisfactory with the condition imposed. The window proposed in the rear gable end would offer similar views to the existing first floor rear windows and the front gable end window would face the highway and be located a significant distance from the properties opposite. The development would thus not be objectionable in these respects.
13. The proposal would not cause unacceptable impacts on the living conditions of the occupiers of neighbouring properties. It accords with LP Policies 6 and 37, which set out that development should be compatible with its surroundings and that the amenity of occupiers of neighbouring buildings should be respected.

Conclusion

14. The proposal is contrary to the development plan as a whole as a result of the harm that would arise to the character and appearance of the site and the surrounding area. However, the fallback position is a material consideration which indicates that a decision should be taken otherwise than in accordance with the development plan. Accordingly, the appeal is allowed.
15. Further to the conditions identified above, two more are needed. One to clarify the standard time limit for implementation and another to require that the development be carried out in accordance with the drawings.

Mark Philpott

INSPECTOR