



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: 13th March 2023

Appeal Ref: APP/G5180/D/22/3311189
246 Hayes Lane, Hayes, Bromley BR2 7LA

- 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 B Ewart against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/02936/FULL6, dated 22 July 2022, was refused by notice dated 11 October 2022.
 - The development proposed is single storey rear extension, two storey side extension, single storey front extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

3. The site includes a semi-detached dwelling located adjacent to a junction between Hayes Lane and Chatham Avenue. It features a prominent asymmetrically gabled front elevation with a long verge on its outer edge nearest the junction. It also has a roof hip with a similar pitch to the gable's roof verge. The adjoining dwelling at No 244 is similar in these respects, and also in terms of its surfacing materials and the window arrangement in its gabled front elevation. However, No 244 features an addition principally to its side with a garage at ground floor level and a dormer window above. The dwellings also feature different front canopy and porch arrangements. Nevertheless, the dwellings form an attractive duo with shared features and contribute positively to the character and appearance of the area, even though the types, ages and designs of the properties along Hayes Lane are variable and many have been subject to extensions and alterations.
4. The two storey side extension would be a disproportionately large addition that would be prominent in views on approach to the junction. It would infill much of the gap beside the dwelling and appear cramped near the site's front and side boundaries and the highway. Additionally, the extension would feature a front facing gable with seemingly symmetrical verges and would project beyond the existing front gable. Consequently, it would detract from and be awkwardly juxtaposed with the asymmetrical gables at both Nos 244 and 246. Furthermore, the sense of balance between the properties provided by their

gables and the hipped roof elements would be eroded by the extension's size and design.

5. The proposal would not undermine any formal building lines as the positions of front elevations and projecting elements therefrom differ between the properties along Hayes Lane. Furthermore, it would not disrupt any sense of rhythm to the properties along the highway due to its position next to the junction. Materials that would be compatible with the existing dwelling are also proposed. Furthermore, the Council has not expressly objected to the proposed single storey front and rear extension elements, and having regard to their siting, form and size, I have no compelling reasons to find otherwise. However, these matters do not address or outweigh the harm identified.
6. I note that permission has been granted at the site relatively recently for two schemes¹ that each included a side extension amongst other things. However, neither would have a front projection feature that would extend beyond the existing front wall above first floor level like the appeal scheme. The approved schemes and the effects they would have on the site and the surrounding area differ significantly from the proposal's design and impacts. Likewise, the alterations to No 244 are not directly comparable to and thus do not indicate in favour of the proposal.
7. It has also been put forward that the proposal is comparable to development elsewhere in the vicinity. The dwelling at No 242 appears to have recently undergone significant alterations including a side extension. However, it and the attached dwelling at No 240 have markedly different designs to Nos 244 and 246 and thus the form and impacts of the development there differs from the appeal scheme. Notably, Nos 240 and 242 appear reasonably balanced from the front, whereas Nos 244 and 246 would not following the development. Additionally, No 242 is further from Chatham Avenue and the junction and therefore less prominent in views. Similarly, apparent alterations at Nos 230 and 232 including a side and front extension for the former and a hip-to gable extension for the latter are not directly comparable to the proposal as the forms of development and the positions of those properties differ.
8. It has also been advanced that development under construction opposite the site lends toward the approval of the scheme. Whilst I have not been provided with full details of the work there, it appears that new dwellings are being created and thus the considerations are not comparable to the appeal scheme which seeks to alter an existing property. As such, development elsewhere in the vicinity does not justify the harm that would arise from the proposal.
9. The proposal would have a harmful impact on the character and appearance of the site and the surrounding area. It conflicts with Policies 6 and 37 of the Council's Local Plan, which require development to positively contribute to the qualities of existing buildings and street scenes and set out design criteria for extensions. It also conflicts with the Council's Supplementary Planning Guidance No 1: General Design Principles and Supplementary Planning Guidance No 2: Residential Design Guidance, which provide guidance that has similar objectives to the policies identified.

¹ Council references: DC/19/03831/FULL6; DC/22/02935/FULL6

Other Matters

10. It is advanced that the proposal would improve the internal arrangement of the dwelling. Whilst that may be the case, this does not offset the harm identified.
11. The Council's decision notice also refers to Policy 41 of the Council's Local Plan, which relates to development effecting conservation areas. However, none of the other evidence identifies any heritage asset considerations.
12. In response to a query I made as to whether the proposal was within or effected the setting of a conservation area, the Council confirmed that a conservation is present on the opposite side of Hayes Lane. However, it has not been argued that there would be harm to the setting of the conservation area. An absence of harm from the proposal on the heritage asset would not address my findings in respect of the substantive issue in dispute between the two main parties. Moreover, any further harm would only give rise to further development plan conflict.
13. Accordingly, I have not explored any implications of the proposal on the setting of the conservation area further, as any findings in that respect would have no impact on the outcome of this appeal.

Conclusion

14. For the reasons identified, the proposal conflicts with the development plan taken as a whole. Material considerations do not outweigh the conflict with the development plan.
15. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR