The Planning Inspectorate

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: 14 March 2023

Appeal Ref: APP/G5180/D/22/3309675
23 The Covert, Petts Wood, Orpington BR6 0BT

- 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 Rebecca Deakin against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/22/00179/FULL6, dated 11 January 2022, was refused by notice dated 6 September 2022.
- The development proposed is single storey side extension.

Decision

1. The appeal is allowed and planning permission is granted for single storey side extension at 23 The Covert, Petts Wood, Orpington BR6 0BT in accordance with the terms of the application, Ref DC/22/00179/FULL6, dated 11 January 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: Location Plan; Existing Block Plan; Proposed Block Plan; 1370/1; 1370/2; 1370/3; 1370/5; 1370/6; 1370/7; 1370/8; and 1370/4 except in respect of the window to the shower room.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. There is a discrepancy between the floor and elevation plans insofar as whether a window is proposed to serve a shower room. The Council's Committee Report indicates that the application was determined on the basis that only one window was proposed, which would serve a kitchen according to the plans. Interested parties are likely to expect the development to come forward in that manner if allowed. Therefore, I will determine the appeal on the same basis as the Council as otherwise prejudice could arise.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to The Covert Conservation Area and the Petts Wood Area of Special Residential Character (ASRC).

Reasons

4. The site comprises an attractive semi-detached property at No 23 which includes a dwelling that shares many features with and in several respects is symmetrical to the adjoining one at No 25. Furthermore, there are lots of similar pairs of dwellings along The Covert. The dwellings are set in firm lines and generally feature open fronted plots with large proportions of soft landscaping which, in combination with mature street trees and grass verges, give the area a spacious and verdant character. Additionally, there are largely consistent gaps between each pair of dwellings notwithstanding that some feature single storey projections, enclosures or garages between them. Nevertheless, there is a strong sense of symmetry, uniformity and rhythm to The Covert overall. Nos 23 and 25 contribute positively to these characteristics.

5. These observations are consistent with the detailed discussion about the ASRC contained within Appendix 10.6 of the Council's Local Plan (LP) and the Petts Wood Historic Area Assessment from November 2019. Notably, it has also been put forward that Nos 23 and 25 were designed by Noel Rees, who is a distinguished designer that built other nearby development. The significance of the conservation area is derived in part by the characteristics identified.

6. The extension would be a small scale subservient addition to the dwelling that would be comparable to other development along The Covert, such as at Nos 27, 44 and 46, which form an established part of the conservation area even though some was permitted prior to the designation of the conservation area or the adoption of the LP. Visibility of the proposed rooflights would be limited. Additionally, the extension would be set back from the front walls of the dwelling and have limited prominence in views along The Covert. Therefore, it would not unbalance the sense of symmetry with No 25 or disrupt the uniformity or rhythm of the street scene. Additionally, as the extension would only partially fill the gap between Nos 21 and 23 and would be set against the backdrop of a garage when viewed from the highway, the sense of spaciousness between the dwellings would not be compromised.

7. In order to ensure that the proposal reflects the existing dwelling, respects the ASRC and preserves the significance of the conservation area, a condition is needed to require that the materials used in the external surfaces of the development match the existing dwelling.

8. The proposal would not harm the character or appearance of the conservation area, the ASRC, or the area in more general terms. The significance of the conservation area would be preserved. The proposal accords with LP Policies 6, 8, 41 and 44, which set out design criteria for extensions, seek to preserve or enhance conservation areas, and require development to respect, enhance and strengthen the special and distinctive qualities of the ASRC.

Other Matters and Conditions

9. The size and height of the extension would be limited such that it would not harm the living conditions of the occupiers of No 21.

10. The evidence refers to a dismissed appeal for the insertion of a rooflight in the front roof slope of the dwelling at No 44. I have not been provided with full details of the circumstances that applied for that appeal. However, the nature of the development proposed is not directly comparable to the dismissed

scheme. Further, each application must be considered on its own merits, and for the abovementioned reasons, the proposal would not be harmful.

11. It has been put forward that the proposal would set an undesirable precedent for similar development. However, a generalised concern of this nature does not warrant withholding permission and, moreover, the scheme in this case is acceptable and thus I can see no reason why it would lead to harmful development in other locations.

12. In addition to the aforementioned condition, the standard time limit one is needed for clarity. Additionally, in the interests of certainty, a further condition is required to ensure that the development is carried out in accordance with the approved plans except in respect of the shower room window.

13. It has been advanced that permitted development rights should be removed from No 23. However, paragraph 54 of the National Planning Policy Framework states that conditions should not be used to restrict permitted development rights unless there is clear justification to do so. Permitted development rights are more restrictive inside than outside conservation areas, and I have not been provided with clear justification that the application of such rights would be harmful. Accordingly, such a condition has not been demonstrated to be necessary.

Conclusion

14. For the reasons given above, I conclude that the appeal should succeed.

Mark Philpott

INSPECTOR